

Opening statement on behalf of the Government
by Tom DeWolfe, Special Assistant to the
Attorney General of the United States, in criminal
case 31712, "U.S. v. Iva Ikuko Toguri D'Aquino"

1 JOHN H. HANCOCK ON BEHALF OF THE GOVERNMENT
2 MR. CHIEF: May it please your Honor, ladies and gentlemen
3 of the jury. My name is John H. Hancock. I am a special
4 assistant to the attorney general of the United States from
5 Washington, D. C. and as such have been sent here by the
6 attorney general to work on this case in conjunction with Frank
7 J. Hanaway, your gentleman here, who interrupted one of your
8 ladies and gentlemen yesterday, who is new and has been for
9 many years the duly appointed and acting United States District
10 attorney for your Federal judicial district, which is the
11 Southern Federal Judicial District of California. He is em-
12 ployed here locally at San Francisco and has offices at various
13 points throughout and has jurisdiction over the Southern District
14 of California.

15 Although I am traveling out of Washington, D. C. I might say
16 that I am a western, Pacific Northwest, and not an eastern-
17 er. That is of no interest now to you.

18 As you have, I think you have seen James, the negro
19 man and his wife. Ladies here before, his name preceding is
20 Chief Federal Judge of the Southern District of California, his
21 name, Michael J. Tamm.

22 You will see in this case is John B. Rogers, my colleague
23 from Washington, who is likewise a special assistant to the
24 attorney general of the United States. Will you stand up?

25 MR. JAMES HANAWAY: seated here yesterday. Will you stand up?

1 he is likewise from the Department of Justice. I don't believe
2 he will interrogate witnesses, but he may want to call against
3 a defendant and as a legal research man for me. A case of this
4 type entails and necessitates that type of assistance.

5 And you have here the defendant, Mrs. Iva Regard Simpson
6 who before she was married in April 1949 was named Iva Thelma
7 Regard. She married Mr. Philip D'Aquila, a part Portuguese and
8 part Japanese, in April 1949, and that instead of being Mrs.
9 Iva Thelma Regard, her name now is Mrs. Iva Regard D'Aquila,
10 D-A-Q-U-I-L-A.

11 But Mr. Victor Collins is chief defense counsel, this gentle
12 man here. You will hear a lot from him. I suppose he is chief
13 defense counsel. I have known him for some period of time.

14 And his colleagues here will likewise participate, a New
15 Francisco counselor, Mr. Theodore Tamm.

16 And with this gentleman is Mr. George Clinebawa, the
17 second barrister there behind Mr. Collins. Mr. Clinebawa,
18 G-L-I-N-E-B-A-W-A.

19 Now I want to speak about certain preliminaries. It will
20 be necessary for me to arrange in them except briefly, because,
21 as is unusual in - case of this type, we have to a certain ex-
22 tent among you ladies and gentlemen at least partially new
23 experienced public witnesses. You are called public jurors because
24 you try cases in the federal courts as unsworn witnesses to
25 assist justice who may witness to determine whether or not an

1 Judgment shall be rendered against certain individuals.

2 The Court's function in this case is to instruct you as
 3 to all matters of law. You must of necessity take your law
 4 from the Court and from the Court only. Any collusion between
 5 opposing counsel, and there will be none that you will hear, as
 6 legal matters should in their entirety be disregarded by you.
 7 I repeat, it is your sworn duty, your duty under your oath, to
 8 take your law from the Court and from the Court alone. That
 9 is the Court's function. Your function is to go with the
 10 facts. The ladies and gentlemen are the sole arbiters of the
 11 facts. That is your function, to listen to the evidence, find
 12 the facts and determine wherein the truth lies. You and each of
 13 you are the sole judge of the credibility of each and every
 14 witness. You and you alone determine where the truth lies.

15 You don't take the facts from the counsel, you take them
 16 from the evidence as reflected here from the lips of witnesses,
 17 from the defendant and the government, and from the documentary
 18 evidence that is introduced by both parties, and you find where
 19 the truth lies, what the facts are. You are the sole judges of
 20 that.

21 The function of counsel in the case is to present to you
 22 the facts on behalf of their clients, the respective parties
 23 litigant to this proceeding.

24 The United States of America, of course, is the plaintiff
 25 in this case, and the defendant is Mrs. T'Aguiar. At the

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1 longest possibly present you have to go, and I might say
2 in this case there possibly will be a conflict in the evidence,
3 and you resolve that conflict, you determine who is telling
4 the truth, whereas the usual trial.

5 The Court will from time to time and at the conclusion of
6 the case give you instructions of law which you will apply to
7 those facts as telling you, after hearing those legal principles
8 from the Court, to determine whether or not the facts and the
9 charges are proven or laid.

10 For the purpose of an opening statement, which I am now
11 making, to clarify this. It serves one function, one purpose
12 only. I am not supposed to argue to you now. Defense counsel
13 is not supposed to argue to you in his opening statement. You
14 we are supposed to do, if we are fit to exercise our option to
15 do so, is to summarize the proof which the government will not
16 fit to attempt to introduce in this case before you in order to
17 substantiate the essential allegations of the indictment.
18 Briefly, then, to put in another way, the purpose of an open-
19 ing statement is to summarize before you what the government
20 expects to prove. The defendant has the same opportunity through
21 his counsel, at this or a later date, to do that.

22 For the grand jury for the Federal Northern District Dis-
23 trict of California last September, after hearing certain
24 evidence, found probable cause to believe that the defendant
25 in this case had committed the crime of treason, and as a

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consequence of their finding a copy made of handwritten note or
document against the defendant by said grand juror charged as
with a violation of an act of Congress making it a crime to
commit treason.

per that indictment which is on file in this court is
not sufficient. It is a mere paper charge, and I think the Court
will instruct you to that effect at the appropriate time when
necessary.

I am not going to take the time now to read to you this
document lengthily and verbatim indictment, but I will satisfy at
this juncture attempt for your satisfaction, if it is at all
disappointing to you -- it might not be -- to briefly describe
its and summarize the material allegations of the same.

The indictment alleges in substance that the defendant
was an American citizen, native born, in the town of Los
Angeles, Los Angeles County, California, on July 4, 1916. The
indictment likewise alleges that during the period in ques-
tion, as pleaded by the grand juror for this district in
this indictment, the defendant was and is now by virtue of an
allegedly a person who owed allegiance to the United States
of America. That, of course, is a very, very material allega-
tion in the indictment.

The indictment alleges that although the defendant is an
American citizen and was the owed her allegiance to her native
land, the United States, that she through certain acts offered

1 to and gave aid and comfort to the Imperial government of Japan
2 during the late war while our government, the United States of
3 America, was at war with our enemy, the Imperial government of
4 Japan, and that while she offered to the Imperial Japanese
5 government she gave it aid and comfort.

6 The indictment further alleges that this defendant, that
7 this alleged aid and comfort of the enemy consisted in acts of
8 the defendant while employed in the Broadcasting Corporation of
9 Japan as a radio operator, as a commentator, as a script writer
10 and as an announcer of recorded music and propaganda trans-
11 mitted to American troops on the battlefield, during the late
12 war between the United States and the Imperial government of
13 Japan.

14 The indictment further alleges that the Broadcasting
15 Corporation of Japan, by whom the defendant was employed for
16 this work, was during all times in question and during the time
17 mentioned and pleaded by the grand jurors in this indictment,
18 a corporation that was under the direction and sole control of
19 the Imperial Japanese government.

20 The indictment returned by the grand jurors alleged that
21 these acts of giving aid and comfort to the enemy, these acts
22 allegedly -- and bear in mind still that this is nothing but a
23 charge, belief and guesswork -- these acts allegedly on his part
24 as a broadcaster and announcer of adhering to the Japanese
25 government, through this Broadcasting Corporation of Japan,

3 were submitted by her and by the defense personnel for the
4 purpose of undermining the morale of the American troops on the
5 battlefield, for the purpose of creating dissidence among the
6 American fighting men, for the purpose, the indictment alleges,
7 of creating dissidence among the American soldiers, and for
8 the last and consequent purpose of impeding and impairing the
9 United States of America in the sovereign capacity to wage war
10 against Japan and its like Axis enemies.

11 The indictment in the case, and I think I am covering it
12 more rapidly and I hope a little more thoroughly than I would
13 by reciting it to you, these charges, and this is important, you
14 will hear a lot about it later, that in order to aid for the
15 purpose of, ladies and gentlemen, executing this unlawful
16 alleged treasonable plan, certain overt acts were committed by
17 the defendant in this case. There are eight overt acts...
18 pleaded by the grand jurors in the indictment, which overt acts,
19 if he alleged in the indictment, were committed by the defen-
20 dant for the purpose of executing this treasonable plan of hers.

21 Overt act 1 in the indictment deals with the discussion
22 by the defendant concerning her participation in this radio
23 program.

24 Overt act 2 deals with a discussion by the defendant with
25 the employees of the Broadcasting Corporation of Japan concern-
26 ing the quality of a specific broadcast.

27 Overt act 3 deals with her speaking into the microphone to

Radio Tokyo transmitting the broadcast from a sound record taken at a certain certain place involving aspects of the war.

Chart set 4 deals with broadcasting by her or speaking by her into a microphone concerning a certain specific broadcast.

Chart set 5 concerns the preparation by the defendant of script concerning loss of ships.

Chart set 6 concerns the speaking by the defendant into the microphone of a certain broadcast involving loss of aerial ships in a battle between German naval forces and Japanese naval forces.

Chart set 7 deals with transcription by the defendant of a specific script, Radio Broadcasting script for broadcasting purposes.

Chart set 8 is the indictment deals with the broadcasting by the defendant into the microphone of a certain materialized dialogue for the purpose of having the same transmitted over the air to the Germans.

These are the eight chart sets in the indictment which will have to deal with.

The indictment then goes on to allege that each and every one of these chart sets were transmitted by the defendant pursuant to the broadcast plan heretofore mentioned for the purpose of spreading the same, and in violation the Statute 4 says with the intent to say, the defendant, Kori, Kori, Kori, and Kori to aid and comfort the enemy, viz. the intent to say that and there be witness therein Special Japanese government and

for the purpose of aiding the Japanese government, and with the object in her mind and view to betray her native land, the United States citizenship.

The indictment then goes on to allege that the Federal Southern District District of California was the Federal District Court that made this defendant was first brought.

Now before I go on to another phase of the case, and I think it will probably be of some interest to you, most lawyers do not know it and I did not know anything about it until a couple of years ago, you wonder, naturally, all people wonder, most lawyers wonder, of those who were convicted in the trial as the indictment alleges -- the indictment does not allege the conviction of any treasonable acts in the United States, it alleges that she committed treason by adhering to the Imperial Japanese government not in the United States but while she was abroad acting as a broadcaster for the Japanese. Everybody asks, of course, "How come she is tried in San Francisco?" Well we will dispense with that point. This is the answer: A congressional enactment provides that when a crime, a Federal statutory crime is committed by a person within the jurisdiction of any state or any Federal judicial district, the particular United States District Court -- and his Honor, Chief Federal Judge Michael J. Byrne is presiding here and this is the United States District Court for the Southern District of California -- if the Federal statutory crime is committed, it

1 right, out of the jurisdiction of the United States or any
2 Federal judicial district, the particular Federal judicial
3 district into which the defendant was first brought has jurisdic-
4 tion, and the proof as I will later explain it, will show
5 that the Southern District of California was the first judicial
6 district into which the defendant, Mrs. D'Amico, was first
7 brought shortly prior to the return of the indictment in this
8 case.

9 That is explanatory only, interesting only from a lawyer's
10 point of view and from a layman's point of view, in order to
11 establish our curiosity as to how an happened to be proceeding in
12 this particular jurisdiction here rather than in New York,
13 Seattle, Portland, or Los Angeles.

14 Now before I go into the facts, I want to say a few other
15 things. The burden of proof, as the Court will tell you in
16 this case, and as you know undoubtedly from your experience and
17 therefore it will not be necessary for me to dwell on it but
18 for a moment, the burden of proof is upon the United States of
19 America to prove to your satisfaction beyond a reasonable doubt
20 the truth and verity of each and every material allegation and
21 averment in this indictment. Not only that, ladies and gentle-
22 men of the jury, but in a Federal criminal proceeding, like most
23 other proceedings, the defendant, as matter of the fact, need
24 do nothing, whether male or female, no matter who they are, the
25 defendant is always clothed with the presumption of innocence,
as in Mrs. D'Amico in this case.

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That presumption of innocence follows her throughout the trial proceedings in this case, until all the evidence is in, until you receive your instructions from the Court, until you retire for purposes of deliberation to your jury room. Throughout that period of time you must keep an open mind. She is clothed with the presumption of innocence, and that presumption of innocence does not fall until all the evidence is in, until you have retired to deliberate, until you have heard the entire words of counsel, until the Court has instructed you, and until you arrive at that point where you are satisfied that the United States of America has proved to your satisfaction and to the satisfaction of each and every one of you that the returned verdicts in this indictment laid by the Grand Jurors for your district has been proven to your satisfaction beyond a reasonable doubt.

Now, the defendant is charged with violating a congressional statute, an act of Congress, the treason statute, justice and gentlemen. That treason statute says in substance, "Whoever, owing allegiance to the United States of America, adheres to the enemy, giving them aid and comfort, is guilty of treason."

Now, Article III, Section 3, of the Constitution of the United States provides in substance, "No one shall be convicted of treason unless on the testimony of two witnesses to the same overt act." It is your responsibility to see to it properly, from a

Respectful responses, I still wish you to bear the presence of the jury that remains is the only crime that the founding fathers saw fit to define, or any portion thereof, in the Constitution. It is a heinous crime if it is a serious crime, it's an odious offense, and history has it, according to the writers, that the founding fathers saw fit to include this stringent requirement of innocence prior to each event not in a heinous change in the Constitution because of experience alone that they had of unscrupulous and unjust system prosecutions brought by the British monarchy against innocent citizens prior to the Revolutionary War, and in addition to the same constitutional requirement that before a person can be convicted of treason there must be two witnesses produced by the United States to the same event not, I will state to you, and I believe quite accurately -- however, always remembering that if any lawyer for the government or for the defense makes any statement of law to you, you are not to accept that as final, only explanatory, you take your law from the Court, not from me, not from my colleagues, not from defense counsel -- the courts have held, and I believe Judge Rehnquist will tell you the same thing at a subsequent time if as appropriate that, that the proof to sustain these events was that is direct, as opposed distinguished from circumstantial evidence.

The United States Courts have adopted or specified that judicial interpretation as this constitutional provision,

1 Requiring introduction of proof to each and every count set laid
2 in the indictment.

3 In such case the preliminary issues, or preliminary ex-
4 planatory matters. The defendant is represented here by
5 counsel. She has entered a plea of not guilty to this indict-
6 ment, and that simply means that she denies the truthfulness
7 of each and every material allegation in this indictment, that
8 the material statements of the indictment are in error. The
9 government must prove the truthfulness of those material al-
10 legations to your satisfaction beyond a reasonable doubt before
11 you can convict.

12 Now, after a lapse of some time, I will get down to the
13 proof, and the opening statement to you, ladies and gentlemen,
14 as I have said before, merely covers the purpose and function,
15 or should, of explaining to you the issues and the substance
16 of the proof which each party litigant expects to submit from
17 the witnesses called up by documentary evidence, for the purpose
18 of enabling you and each and every one of you to determine
19 whether or not the charges have been proved.

20 The witness in this case will show that the defendant
21 was born in the United States, that she is an American citizen,
22 that she was born in Los Angeles, Los Angeles County, July 4,
23 1922.

24 The witness will show that she is the person who denies
25 the late war time allegations in her statement, her replies

approximately the United States of America.

She went to high schools, according to the witness, in Southern California. She entered the University of California, Los Angeles branch, and graduated therefrom, I believe in the year 1941, with the degree of Bachelor of Science.

In the summer of 1941, I think around the 20th of July, her birthday, she went to Japan. Her mother and father were Japanese citizens. They were not born in the United States. She went to Japan, according to some of the proof, to see a sick uncle. According to statements made by the defendant to various people, her aunt was then suffering from diabetes, and the defendant's mother needed her, the defendant, to go to Tokyo to see the sister of the mother of the defendant. That, according to the proof will be the defendant's version of the facts there will be government proof.

There will be other evidence to the effect that the defendant wanted to go to Japan to further her university training and to study medicine at a Japanese medical school, she having already received a degree as a Bachelor of Science in the University of California, Los Angeles branch, at Los Angeles.

In any event, she goes over to Japan in the summer of 1941, and there will be some evidence that after being further convinced she made some attempt to register herself to the United States, but finally abandoned her attempt to register

herself in the United States, resumed her attempts to convince herself, and voluntarily stayed in the Japan, which the witness will show was the land of her ancestors.

In 1942, according to the proof, Mrs. Hagino, exp. I repeat that to what you say, I have Hagino as that Mrs. Iro Teyori, was in a school called the Japanese Culture and Language School. She lived with her aunt and uncle in Tokyo for while in 1942 while the war was going on, and according to the proof, in the summer of 1942 obtained a position as a typist, typing handwritten English and American-foreign radio broadcasts in the employ of Inoue, Shimomura, a Japanese governmental news agency.

In the summer of 1942, according to the proof which the government expects to introduce, of her own initiation, and at her own request, and through her own initiative, she obtained a position at Radio Tokyo, first as a typist, in approximately August 1942, and in December 1942 she went on the air for the army and stayed on the air for the army for approximately from December 1942 until shortly after the breakdown of hostilities between the Imperial Japanese Government and the representatives of the United States, General MacArthur, the latter part of August or first part of September 1945; I have forgotten the exact date. As I recall it, I was on the west coast at that time, and I think they called that day around August 20, 1945. I think the actual surrender was September 1945. In

employment, and was on the radio for the Japanese as an announcer and script writer, from November 1942 until August 1945, approximately.

The evidence which the United States will introduce will show and disclose that she was under no stress or under no compulsion when she engaged in this work. The defendant may have testimony to the contrary. There may be a conflict of testimony on that. If so, I have just explained to you, and the explanation was not necessary -- you probably already knew what your duties were -- that's where you will come in, to find wherein the truth lies. If there is a conflict, if there is a dispute in the facts, that is your function. In any event, the evidence will show that Radio Tokyo, which was the popular appellation or nickname or name given the Japanese radio station in Tokyo, is more accurately called the Broadcasting Corporation of Japan.

The defendant was employed in the capacity I have just related to the Broadcasting Corporation of Japan. The evidence on behalf of the United States will show that the Broadcasting Corporation of Japan was not a separate entity uncontrolled by the government, such as we find corporations here in the United States, but that in all major respects it was not a private corporation, it was a public corporation controlled by the Imperial Japanese Government at all times during the time the defendant was employed there, and therefore the evidence

will unequivocally show that the defendant was giving aid and comfort and adhering to the enemy, not only to the Broadcasting Corporation of Japan, but to the declared enemy of the United States, the Imperial Japanese Government.

Now, the Broadcasting Corporation of Japan, the proof will show, was divided into a number of bureaus. It will not be necessary for me to tell you about all these bureaus now. I will have a witness here -- we will have a witness here -- that will give you the governmental structure of the radio. Sufficed to say for present purposes, the evidence in this case will deal with the overseas bureau of the Broadcasting Corporation of Japan; and the overseas bureau, according to the proof, of the Broadcasting Corporation of Japan was that bureau which was charged with the responsibility of transmitting broadcasted messages to foreign lands.

The bureau was divided into a number of departments, among them the American radio-transmission department. The American radio-transmission department was broken down, I believe the evidence will show, into a number of sections, and one of these was known, according to the evidence, that acted under the American radio-transmission department was that they called the free-lance section of the Broadcasting Corporation of Japan, which was charged with the responsibility and entrusted with the duties of broadcasting from Radio Tokyo propaganda to American and Allied troops, according to the evidence, then fighting for

the allied areas in the South Pacific Ocean area.

Now, the evidence will show that the defendant worked in what they called the Dark Hour program in connection with her work for the frontlines section of the Broadcasting Corporation of Japan.

They had a big building there in Japan, the Broadcasting Corporation of Japan, large mechanical apparatus, extensive apparatus. I will go into that briefly in a minute. In any event, the proof will show the defendant broadcast for and wrote scripts in connection with broadcasts intended to recruit troops in the South Pacific Ocean area on the Dark Hour program for the Broadcasting Corporation of Japan.

The name "Dark Hour" according to the witnesses, was not stated or taken up, or distinct, I think would be a better word, to denote Dark Hour as meaning the hour, the Dark Hour, when you launch into battle. It also had some indirect reference to the dark type of plans used by the Japanese Empire. It also, according to the witnesses, had some indirect reference to and in connection with some Dark symbol in the Japanese flag or national emblem, with which I am personally not familiar.

That program was first organized, according to the proof, and originated in approximately the Spring of 1943. It was then utilized as a bi-ethnic program in 1944 to be enlarged to an hour program. Of course, the defendant did not

1 go to work broadcasting for the last four until November 22nd,
 2 then the program went on later, but back to the last four
 3 program was broadcast. The International Red Cross recordings,
 4 also Miller recordings, played "Dear Sam," a number of other
 5 songs that I can't recall, talked about in the troops,
 6 but that's not all. The broadcast propaganda to them too, and
 7 in a moment I will tell you about the nature of the records
 8 which she made in the troops, according to the evidence which
 9 the United States will offer for your listening, for your
 10 analysis, from the lines of former witnesses of World War II,
 11 American soldiers and sailors.

12 Now, the evidence will show that the purpose of this last
 13 four program in which the defendant worked was to create
 14 sympathy among the American and Allied fighting men in the
 15 South Pacific, to create kindnesses among them, to make them
 16 our way, and to impair the respect of the United States of
 17 America to send our against Japan and the Axis allies. It
 18 was for the specific purpose, according to the proof, of lower-
 19 ing the morale of the American troops.

20 In fact, as proof. The evidence will show likewise, ladies
 21 and gentlemen of the jury, that these infamous propagandistic
 22 purposes of the last four program sponsored by the Broadcas-
 23 ting Corporation of Japan were fully, thoroughly, clearly, and
 24 completely explained to this defendant, Mrs. Takagi, prior
 25 to the time that she went on the air, and during the course of

her operations, and that she made known to the parties she instructed her concerning the purposes of this program that she was aware of those purposes, that she fully understood the program, the purpose of this program, and the evidence will show that after those purposes and functions of this program were explained to her she voluntarily went along with her work and voluntarily participated in the propagation the efforts and nature of the Japanese government propaganda machine over Radio Tokyo.

She was first used, according to the proof, to attempt the isolation evidence, to make them listen to the program I suspect in the language of the street you would say that she was first used, as I have heard some people say it, as listening bait, for the purpose of attracting attention, so that the evidence would not become tired with the bare show program, and would then subsequently run out the program off, but would subsequently listen to the program and listen to the various speech propaganda voiced by her and other broadcasters with her on their particular program.

Now, an additional witness here before you ladies and gentlemen of the jury which will be to the effect that among other things, this defendant while broadcasting for the Imperial Japanese Government said over the air in the spring of one occasion, after the battle of Iwo Jima in 1944 -- a Japanese broadcaster was on the air on Radio Tokyo in a

4 studio in Los Angeles. I'll remember and told the American
 5 troops that they had suffered great casualties in the way of
 6 loss of ships in the Battle of Iwo Jima in the fall of 1944.
 7 The defendant was in the broadcasting studio when this news
 8 broadcast was made by this news announcer at that time, telling
 9 the American troops that the Navy had suffered a great
 10 loss of ships at the Battle of Iwo Jima. She was on the
 11 air and said, "Now, you boys,"-in Japanese -- "Now, you
 12 boys have really lost all your ships. You really are crying
 13 now. How do you think you will ever get back now?"

14 In other occasions, the proof will show that she told the
 15 troops that their reinforcements at home in the United States
 16 were reluctant to come, that they lacked clothing, that their
 17 wives and sweethearts were running around with G.I.'s and with
 18 equipped workers, all of them had plenty of money in their
 19 pockets to give the wives of the soldiers a good time, and
 20 she told the boys over the air to lay down their arms, stop
 21 fighting, that it was futile to go on, that the Japanese would
 22 never give up, that the Japanese had a will to win, and that
 23 there was no reason in the world why the American soldiers
 24 should stay out there and wage a futile battle, risk their
 25 lives, and probably get killed.

26 She would pick out in her broadcasts a spot familiar to
 27 the United States, on some occasion, to the city of
 28 California. I don't know Los Angeles as well as I know San

1 Friedman, but I have heard a little bit about it, been there
2 a few times. She would say, "She has would you like to be
3 tonight back in Los Angeles at the Young Women dining with
4 your best girl?"

5 I don't know where that is, I suppose the Ambassador
6 Hotel, I don't know -- it is one of those hotels down there
7 and it is a place some of you have heard about and I have heard
8 about.

9 "She would you like to be picked in Griffith Park" --
10 which is a park in Los Angeles -- "with your girl friend in
11 the car listening to the radio?"

12 She talked about the acceptance in the jungle, and on
13 the occasion when the troops were in the Northwest Pacific
14 and didn't have much to eat -- I think they were subsisting on
15 Australian natives -- the press still believed that the Japanese
16 made capital for the Japanese out of that situation by her
17 focusing on the idea of the war and the situation that the
18 boys would have when they were home, when they were not there
19 without proper maintenance, and on another occasion, the same
20 time still after that meeting she made to the defendants through
21 official channels in Tokyo Tokyo that a certain contingent of
22 American troops on a South Pacific Island were without water,
23 and she was asked if she would speak in her broadcasts to
24 that situation. She voluntarily agreed and did speak to it,
25 and according to the evidence she said something like this on

pink complexion, after the facts which I have just related were made known to her.

"Well, George, have you got any more down there? Forget about the bear. Wouldn't you like some cold water?"

The witness will state it was made known to the defendant that the American troops were without water. She went on to say, "Cold water sure tastes good."

She made frequent references, according to the proof, about matters at home, pleasant little matters that would make the boys homesick. She asked them about the sugar drops store, the juke bar in the corner store. "How would you like to be home," you would say in her broadcast, "signing a chocolate note at your favorite corner drugstore, or purchasing a barbershop?"

She would go on the air most of the time using the name or pseudonym of Orphan Ann or Orphan Annie. Sometimes she would say, "This is your favorite placemat and every, Orphan Ann."

She would usually tell American troops broadcasts, home-letters of the Pacific, was her domestic terminology applied to the American fighting men in the Pacific. Sometimes she would call them soldiers.

Now, the witness on behalf of the United States, ladies and gentlemen, will state that this work was done by her

"Orphan Ann"
Broadcasts
George W. Davis
George W. Davis
George W. Davis
George W. Davis

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voluntarily in a position which she sought voluntarily and
 accepted, and a position for which she was compensated, a
 position for which at least as she testified, according to
 the proof the United States will introduce, she sought and
 received additional, extra, increased emoluments for her
 work; and the evidence will show that she liked this work,
 that it was a glamorous job to her, according to the proof,
 that this work interested her and she was glad to do this
 work because of the better pay, the better status she would see,
 the interesting type of the work, and the excellent contacts
 she was able to make by virtue of her position as a glamorous
 broadcaster on the first four program promulgated by the
 Broadcasting Corporation of Japan, which in turn was under the
 control of the Imperial Japanese Government.

Now, toward the end of the war, 1944, I think it's April
 1944, she married a Philip Maguire. She had never been mar-
 ried before. I think he is about three-quarters Japanese and
 one-quarter Portuguese, I am not sure. In any event, they
 were married in April 1944, which is four months before that
 we ordinarily know as V-J day. Well, by that time the war
 was going bad for Japan. Then she was first apprehending, the
 war was going good for Japan. The war wasn't going as well
 with the Imperial Japanese government in the spring of 1944,
 and the evidence will show that she became a little bit ap-
 prehensive, her husband's tension a little more increased, they

mean a little more innocent.

She talked to her husband about it after they were married, the evidence will show, and he said in response to a question put him by her as to what would happen to her in the event the United States was victorious, would any laws or charges be brought against her and promised by the United States government, he says, "Well, you know."

Well, she said, "You can't just spin."

Now, you probably wonder what all this spinning here and there. I will explain that very briefly to you, and my explanation to you will surely be what the evidence of the United States will show. The evidence will show that these two hour programs in which the defendants participated were based by the Broadcasting Corporation of Japan on American troops and killed troops in the Southwest Pacific or South Pacific Ocean area. They were not intended to be shown to the United States citizens as such in the United States of America or the American citizens.

I think only about two of her programs, according to the proof, were ever actually recorded by the Germans. That is to say, her voice went out over the microphone as a live voice. She didn't have a recording made and the recording was not played over the air. She spoke right into the microphone, and only two recordings of her programs were made. I don't even know if the recordings of her tapes were made. Some scripts

were written by her. All these recordings, and I am advised there are not more than ten, and all her samples were destroyed on the order of her superior officials working for the Imperial Japanese government, everything a few relatively innocuous and harmless ones which she kept out for her own purposes and later showed to Americans occupying troops who entered Tokyo after the termination of hostilities.

Now, Japan is about ten thousand miles from San Francisco. No recordings made in the Office of her broadcasts are available. Any radio, and there were only a few, were destroyed by orders of her superiors working for the Broadcasting Company. The copies were destroyed.

Some of her broadcasts were monitored in the United States by the National Communications Commission. We have a few of these records here, about four. They are not very suitable for the reasons that, the broadcasts were never heard in the United States; too, Japan is ten thousand miles away from Portland, Oregon, where these records were monitored. In any event, the expert testimony will be that these records are not clearly suitable without the use of equipment, and we have a radio engineer who will testify and explain this equipment. If allowed, he will explain it to you, ladies and gentlemen, and to the Court. You don't have to use the radio if you are allowed to hear these records. The radio is disconnected. All you use is the volume, and you ladies

Page 14

and problems in the war come with them is better yet. If they are subsequently utilized they will be thoroughly explained to you by an expert laborer. I don't know very much about radio, only what they teach me as you don't have to say that either, only the volume control. That is the reason for the apparatus here, and this bookkeeper and reproducing equipment.

We have some radio engineers from Japan who are familiar with the setup from the mechanical and scientific and engineering standpoint of Radio Tokyo. These men I think are pretty good engineers, electrical radio engineers. Even if not all are college trained, some of them work for the radio now. They will briefly explain to you the mechanical and scientific setup of Radio Tokyo as it existed during the period of time that the defendant worked there, as alleged in the indictment. They will show pictures of the broadcasting studios and broadcasting equipment of the Broadcasting Corporation of Japan building in Tokyo as it was during the period of time that the defendant worked there.

The broadcasts were transmitted through a cable from Tokyo to the transmitter stations at Manila, Tientsin, Seoul, and Osaka, and were actually transmitted to the troops from those three remote receiving stations at Manila, Seoul, and Osaka. They had huge radio towers there, and with the aid of directional and

"Secretly Recd."

James P. Ladd
John F. Tamm
Charles F. Tamm
and others in

OFFICIAL RECORDS
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

10 witness directly heard the testimony of the boys four to
11 the American troops and their allies in the South Pacific
12 during the period in question.

13 The witness will show that the program was properly,
14 accurately, faithfully, and from a scientific standpoint
15 properly carried out through the radio from the station to the
16 transmitter stations and thence to the American troops, with
17 all proper and due regard to scientific and mechanical
18 principles of radio engineering.

19 Now, the witness will show that the boys four program
20 was utilized by the Imperial Japanese Government, Italian and
21 Germans, as an instrumentality of psychological warfare for
22 the distinct purpose of lowering the capacity of the United
23 States to wage war, and for the purpose of lowering the morale
24 of the American troops.

25 The witness will show that the defendant on trial, Mrs.
26 Ellington, was distinctly and clearly told and advised that the
27 boys four program on which she participated was to be used and
28 was intended and devised to be used, and that her work was
29 part of the plan and was intended to be used as an element in,
30 as an integral part of, the Imperial Japanese Government's
31 program of psychological warfare against the United States,
32 and that this defendant on trial, according to the proof,
33 fully understood that fact.

34 The witness will show that the defendant was apprehended

1 In the latter part of August 1948 in Tokyo, by the Department
2 of the Army, at the request and orders of the United States
3 Department of Justice, and in the first part of September, at
4 courtesy of the Army, at protective custody at least, she was
5 transported to the United States on the Army Transport
6 SSUBAL H. F. ROBERTS. The evidence will show, if my memory
7 serves me accurately, that the H. F. ROBERTS left Yokohama
8 with the defendant on board, and military and not SAC family
9 protective enlisted and officer personnel custody on three
10 September, 1948, and that she arrived at the Port of San
11 Francisco, which is in the Northern Federal Judicial District
12 of California, on September 22, 1948. Throughout this voyage,
13 the proof will show, the vessel on which she was transported
14 from the Orient to the United States stayed at no American
15 ports, Hawaii, Alaska, or otherwise. The only ports on this
16 voyage on which the defendant was transported to the United
17 States at which the transport stopped were Kobe, San-Paulo,
18 Okinawa, O-B-I-N-O-W, Miami, Balboa, Cuba.

19 That evidence is material only in attempting substantia-
20 tion and proof of the particular allegations in the indictment
21 that I have heretofore spoken to you ladies and gentlemen about
22 concerning venue, wherein it is alleged in the indictment that
23 the Northern Federal Judicial District of California was the
24 district into which, in the wake of the congressional assassi-
25 nant, the defendant was first brought.

Q And I am going to conclude my opening statement, ladies and gentlemen of the jury, and I now state to you that the United States of America believes that after you have now considered all of the evidence introduced on behalf of both parties herein, the government and the defendant, the United States believes that you will come to no other conclusion than that the material allegations, the material contents of this indictment as I have before you, have been proven to your satisfaction beyond a reasonable doubt.

MR. DALLAN: If the Court please, may the defense reserve its opening statement at this time?

THE COURT: Very well. It is now twelve o'clock. The jurors may be excused until two o'clock this afternoon. Keep in mind the admonition of the Court heretofore given you. From the most convenient way to step out is through this door, and take the back steps. It will be more convenient. The way to proceed until two o'clock. We will take a recess until two o'clock.

(Whereupon at 12:00 P.M. an adjournment was taken until 2:00 o'clock P.M.)

Motion to acquit made at end of trial by George Olshausen,
member of the defense team, in criminal case 31712,
"U.S. v. Isu Ikuko Toguri D'Aquino"

1 safeguard. Previously we had only made an objection. Now we
2 make a motion to disallow.

3 THE COURT: The motion to disallow will be denied.

4 MR. COLLINS: Page XIX of the reporter's transcript of
5 the proceedings had on September 16, 1949, at page 3, I proposed
6 of a question to Mr. Williams as to when he had first seen
7 Major Tammann in Japan:

8 "Q. When did you first interview him?

9 "MR. WILLIAMS: I object to that as not proper cross-examina-
10 tion.

11 "MR. COLLINS: It is cross examination with reference to
12 this very document which recites the man's name.

13 "THE COURT: If there is any question about it, I will
14 allow it.

15 "A. I interviewed him in April 1943 in Tokyo and again in
16 San Francisco some time after September 29th, 1944."

17 It is obvious the date is not 1943. The date that should have
18 been given by Mr. Williams was 1944, and it is obviously an
19 error, and we ask that that particular date be amended to show
20 1944.

21 THE COURT: By consent?

22 MR. COLLINS: Yes. "I interviewed him in April 1944."

23 THE COURT: By consent of both sides?

24 MR. WILLIAMS: Yes.

25 MR. KLEMMER: We rest. At this time the defendant moves

the action to support each of the items of the prosecution's evidence under Rule 29(b) on all the grounds that were set forth at the close of the prosecution's evidence, and on the additional ground that the evidence of the imprisonment in Japan, which is now before the court, shows that the matter was either one judicial or that the defendant has ^{been} denied a speedy trial. If the imprisonment and the release in Japan constituted a charge and a decision on my mind of a charge, the matter is one judicial, or she has been tried in jeopardy. If it is not a decision, then the imprisonment, particularly coupled with the evidence that she was held incommunicado part of the time and was held incommunicado except for the right to see her husband the rest of the time, that that denied her the right of a speedy trial, particularly when it is covered with the additional testimony that there has been a loss of evidence ^{since}, the point being this, that by imprisoning her without filing charges and keeping her incommunicado first entirely, and secondly from everybody except her husband, the prosecution, that is, the government by its own acts, interfered with the defendant's opportunity to gather evidence or preserve evidence for her defense, and as I say, the government's own evidence shows some of the evidence has become lost.

THE COURT: The defense of want

of. ~~defenses~~: The defense of the pending charge.

THE COURT: The pending charge? Is there a charge pending?

1 MR. CHAMBERLAIN: If you assume she was not charged, she was
2 arrested for something and she was held arrested.

3 THE COURT: How could she prepare a defense?

4 MR. CHAMBERLAIN: If she were free, she would have been able
5 to gather evidence for a future charge which they might bring
6 against her, and as they have actually brought. In other words,
7 by imprisoning her they say it is without a charge and therein
8 fore not even punitive, but they say they can imprison her for
9 a year and have no legal consequences arise from it. The point
10 is either that there was already a charge, in which case, as I
11 say, it was not punitive, or it was not a charge, in which case
12 it interferes with her opportunity to gather evidence for any
13 charge that they say being in the future. They can not hold
14 her a year indiscriminately, either in part of it which, for a year,
15 and still have any legal consequences flow from it.

16 MR. CHAMBERLAIN: Of course, I want that at this juncture to
17 say this. I won't go into the evidence of both parties which
18 utilizes the government at this time to say it is a factual
19 question for the jury. We argued that of considerable length
20 was before and the government contended at that time that it
21 had made out a prima facie case. Now, my contention that related
22 to the government's case at that time has been suggested,
23 or the government's case has been made straight as a matter of
24 law so to be sufficient at this juncture to withstand a motion
25 for an instructed verdict, in that the defendant has admitted

1 that these were her recordings. She has admitted that this
 2 was her script. She has admitted certain of her activities,
 3 certain defense witnesses have testified on cross examination
 4 as to certain broadcasts that the defendant made and as to the
 5 content of them, but all of these witnesses' testimony was in
 6 some degree evasive that was it is not a question for the Court,
 7 but a factual question for the jury. Thus, the defendant
 8 denied making these broadcasts, but her own witnesses say she
 9 did, witnesses for whom she personally wishes as a matter of
 10 law, and so it is a fact question for the jury.

11 The issue of double jeopardy, the essential issue is, as
 12 whatever you may call it here, has been before the Court before
 13 District they call their special defense. It is a very novel
 14 contention. They are without any legal authority to sustain
 15 that position, and a plea of self-defense is evasive or equivocal or
 16 a plea is far such as this, inserted to be in any case immateri-
 17 al, that they claim there was a prior proceeding pending, a
 18 charge against the defendant by the same party, that is, the
 19 United States of America, and that there was a disposition of
 20 that proceeding before or against the defendant, and a plea is
 21 for or a plea of double jeopardy or self-defense to evade or
 22 avoid, the burden is not upon the United States but upon the
 23 accused, the defendant, and there is no evidence, not a min-
 24 imals of evidence, to any prior proceedings against this defend-
 25 ant. The record is totally devoid of any evidence whatsoever

1 as to her having been placed previously in jeopardy by a
2 legal standpoint as to the any other legal proceedings ever
3 having been pending which constitutes a bar to the prosecution
4 of this case.

5 The motion should be denied.

6 THE COURT: Submitted? The motion will be denied. Both
7 sides submit their case?

8 MR. DEFOLLE: The United States rests.

9 MR. COLLINS: The defendant has rested already.

10 THE COURT: In the absence of the jury, if you can agree
11 upon time for argument, you may do so, if you wish. What time
12 do you wish for the defense, Mr. Collinist?

13 MR. COLLINS: That would largely depend upon the time de-
14 manded by the prosecution. We understood Mr. Defolle was going
15 to request some six hours of time for argument. It is our
16 opinion that six hours would be a day and a half, two hours in
17 the morning and two hours in the afternoon. It seems to me
18 that is somewhat prolonged.

19 THE COURT: I am interested in the time you wish.

20 MR. COLLINS: We wish only that period of time that will
21 be allotted to the government. We have not discussed that
22 among ourselves.

23 THE COURT: I do not wish to select a time.

24 MR. COLLINS: May I ask Mr. Defolle's time question? As I
25 correct, Mr. Defolle, that you wanted six hours of argument.

Special findings by the jury in criminal case 31712,
"U.S. v. Iva Ikuko Toguri D'Aquino"

170
FILED

SEP 19 1940

U. S. DISTRICT COURT

By *John H. [illegible]*
Special Atty.

IN THE SEVERAL SUITS OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.
THE UNITED STATES BANKING,

Defendant.

No. 170-40

THOMAS CHASE, JR., U.S.A.,
Att. 1,1

OFFICIAL RECORD OF THE COURT

In accordance with the instruction already given by
the Court, the jury makes the following findings:

1.

Did the jury find that on 12, as it is held to
the defendant, a transaction not admitted by the
defendant California with an intent to borrow the
United States Government, in writing, for or not.

10 No

II.

Did the jury find overt act 2₁, as it is laid in the indictment, a treasonable act committed by the defendant [Name] with an intent to betray the United States? Answer, in writing, yes or no.

No

III.

Did the jury find overt act 3₁, as it is laid in the indictment, a treasonable act committed by the defendant [Name] with an intent to betray the United States? Answer, in writing, yes or no.

No

IV.

Did the jury find overt act 4₁, as it is laid in the indictment, a treasonable act committed by the defendant [Name] with an intent to betray the United States? Answer, in writing, yes or no.

No

V.

Did the jury find overt act 5₁, as it is laid in the indictment, a treasonable act committed by the defendant [Name] with an intent to betray the United States? Answer, in writing, yes or no.

No

VI.

Did the jury find overt act 6., as it is told in the indictment, a reasonable act committed by the defendant Maguire with an intent to injure the United States? Answer, in writing, yes or no.

Yes

VII.

Did the jury find overt act 7., as it is told in the indictment, a reasonable act committed by the defendant Maguire with an intent to injure the United States? Answer, in writing, yes or no.

No

VIII.

Did the jury find overt act 8., as it is told in the indictment, a reasonable act committed by the defendant Maguire with an intent to injure the United States? Answer, in writing, yes or no.

No

At San Francisco, California

Sept 29 1894.

John Mason
Juror

District Court of the United States

RECEIVED

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JUL 30 1949

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OCT 11 1949

United States of America

U. S. CLERK, CLERK

U. S. Marshal's Office
San Francisco, Calif.

THE UNITED STATES OF AMERICA

vs. }
Mr. JAMES H.vs. }
Cock Page 497
Docket 100-2419On this 11th day of OCTOBER
1949, the defendant appeared in person andand appeared for the government
with counselIt is ORDERED that the defendant has been arraigned upon the charge of being guilty and a
verdict of guilty of the offense of - THREATS TO THE LIFE OF THE PRESIDENTThe defendant, James H. Cock, is charged with the offense of being guilty and a
verdict of guilty of the offense of - THREATS TO THE LIFE OF THE PRESIDENTand is charged with the offense of being guilty and a
verdict of guilty of the offense of - THREATS TO THE LIFE OF THE PRESIDENT

It is ORDERED that the defendant is guilty as charged and convicted

It is ORDERED that the defendant is hereby committed to the custody of the Attorney General or
his authorized representative for imprisonment for a period of 10 yearsThe Clerk of the United States District Court for the District of California is directed to
cause the defendant to be committed to the custody of the Attorney General or his authorized representativeThe Clerk of the United States District Court for the District of California is directed to
cause the defendant to be committed to the custody of the Attorney General or his authorized representative

I have caused the above judgment and commitment to be read

BEFORE

MICHAEL J. ROSEN

It is ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United
States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Signed by

MICHAEL J. ROSEN

Special Agent in Charge U. S.

United States District Judge

Attorney General

The Court recommends commitment to:

Filed and entered upon this day of
October, 1949, at U. S. District Court, Clerk

J. H. Walsh

A True Copy Certified This

day of

October, 1949

(Signed)

Clerk

J. H. Walsh
United States District Judge

Letter from Frank J. Hennessy, U.S. Attorney for the
Northern District of California, to Harry M. Kimball,
Special Agent in Charge, Federal Bureau of Investigation,
San Francisco

Staff 22

November 2, 1945.

Walter E. Kibicki, Esq.,
Special Agent in Charge,
Federal Bureau of Investigation,
Federal Office Building,
San Francisco, California.

My dear Mr. Kibicki:

Re: Yoshida Shigen v. The People of Japan

Reference is made to the above entitled lawsuit presently pending in this jurisdiction.

The Department of Justice at Washington has informed us that Special Agent William J. DeLoach, Special Agent in Charge of the Japan Legation in Tokyo, is presently in the United States for investigation purposes. Your office is the office of origin in this case. In this letter I wish attempt to outline the matters which Agent DeLoach should take into due account in the future.

A search should be conducted in the United States to determine to locate any copies of subject's public statements and any available evidence by means of which said articles can be identified for use in court. A similar search should be made for any statements of defendant's witnesses which are available in the United States and also for evidence identifying same for trial purposes. It goes without saying it would be beneficial for us to obtain, if possible, appropriate evidence from any third party as to the nature and extent of defendant's statements.

It is desirable to locate and discover witnesses who are in a position to testify that the broadcasting transmission of Japan was under government control and was supervised and controlled by the Japanese Army and the Imperial Japanese Government. Information is desired as to the status of contact in connection with dissemination of propaganda by the Japanese government and the radio. It is believed that statements were references to the dissemination of propaganda material over the radio from time from the Japanese Army to an individual named Hiroshi in India Taipei, and then from Hiroshi to one George Alexander and his whereabouts should be the defendant.

It is desirable to have a Japanese radio, electrical, and/or mechanical engineer who is in a position to testify as to the maintenance and operation of radio Taipei. The type of permit to be issued should be able to testify as to the manner in which defendant's statements were passed from Taipei to agents in the Southwest Pacific, the nature and extent of the press work, the manner of the equipment used. The most serious is which the propaganda was

derived from a scientific discipline, the nature and description of the transmitting apparatus and receiver and related matters.

Any and all documents, records and papers which may in any way be related or bearing up to scientific shooting or optical phenomena or ballistics should likewise be obtained. If the originals of such documents are available, they must be sent under the purview of the government. If copies only are available and the same are duplicate governmental records, they should be certified in accordance with the manner hereinafter described and sent forth. The records of found live targets above indicated are excluded, including their personal records, and the records of Radio Tokyo, including their personal records, should be recorded and maintained with a view to obtaining documents of this type.

In the Fall of 1941, an agent or agents from the Counter-Intelligence Corps, United States Army, obtained documents from defendant's personal records copies of radio scripts of defendant's transmissions. The particular manner in which said documents were obtained was the name of the party or parties obtaining them should be ascertained. In effort to obtain information concerning all of the transmitting radio and circumstances surrounding defendant's radio scripts should be made by Agent Holmes, together with information as to whether or not the documents in question were voluntarily turned over to the Counter-Intelligence Corps Agent or Agents in question. The collecting for a search of defendant's name, if any, by means of which will include some limited major search should be taken into. If such a search was made, all available participants therein should be located and interviewed, whether in the United States or in the United States.

The defendant, through her legal counsel, was advised that she has previously been tried by jury tribunal in the United States, military or otherwise, and that she presently is in United States custody, since she has been seen tried for the offense proceeding which she is now involved. It is known that she was imprisoned in United States Army prison during different periods of time in Japan during 1941 and 1942. She was imprisoned in Japan prison during the period just mentioned. It would be desirable for this office to have information concerning the date of her imprisonment, the authority therefor, and whether any charges of any kind were ever filed, or whether any trial was ever conducted against defendant by officers of the United States Government of the United States, or any Japanese courts, in a charge of treason, or any other offense whatsoever.

In 1942 defendant visited at the United Agency in Japan, later on the was employed part time at the United Agency. The manager, officers and other employees of defendant at such time should be interviewed with a view to obtaining possible prospective evidence concerning treasonable and other offenses which might or may have been committed by defendant during her period of employment at United Agency, together with any evidence bearing on the charges included in the defendant previously pending against defendant in the United States Court for this district. A similar interview was attempted of the employees of the United Agency which provide some evidence that could ultimately prove directly

Inspection by the Secretary of the United States of the trial of this case is
in service.

Subject is DPO, shortly after her arrest, in April, left the home of her wife and took out several days. The location and location of her different places of residence should be known and presented with reference to her dependence on someone from which to deduce, not should be further information generally including in defendant's activities, that the subject alone, and her the generally conducted herself, with reference specifically to the diagnosis of someone transmitting said report her in the interest of the state, being for his benefit.

In the spring of 1940, defendant applied at the Johns Hopkins University for acceptance to the Johns Hopkins, and later to Johns Hopkins University as application for registration. The Johns Hopkins at Johns and his associates should be closely interrogated with reference to any and all statements made by defendant at the time of the submission of said resume, and certified character references of the appropriate persons participating in this matter should be obtained by Agent Williams. The documents of records should be searched and maintained in accordance with the applicable provisions of Title 18 U.S.C., Section 104, T-40, which contains follows:

"Owner of any foreign document of record or on file in a public office of a foreign country or political subdivision thereof, controlled by the United States thereof, shall be considered to endorse such document by a certificate of a consular officer of the United States resident in such foreign country, under the seal of the office, that the copy has been identified by the local authorities."

Agents, Editors will be provided with appropriate forms of acknowledgment and copyright notice for use in connection with materials thought to be of value generally, and such forms will not be printed in this journal. Such forms of acknowledgment and appreciation to contributors with titles of Ph.D., M.D., and others will be prepared by this office.

In 1942 defendant attended a Japanese language school. Officially no employees of the war should be associated with the view of promoting Japanese war to Americans and operations involving their defendants, and the records of the case should be published with the view of providing our parliament members that our war upon the occupied Japanese United Nations be defendant. If any said defendant was located in said language school, a copy of the case should be

official and properly certified in accordance with the method heretofore set forth relating to the authentication of records on hand in the State Department of Japan. It is possible that any pertinent records on hand in the Japanese Embassy which will be officially posted with by the Embassy thereof, if so, the original records, if seized by defendant, could be made more authentic and useful by so that certified copies of the same. The same theory applies to any and all records which may have been seized by defendant. It is made more desirable for the government to be in possession of the originals of such records, rather than certified copies thereof, in the proposed action possession of any related pertinent documents seized by the defendant, the necessity of retaining such additional documents for the purpose of identifying the same, and the technical necessity of complying with certain technical rules of evidence and the appropriate authentication rules and practices and the expenditure of much time in regard thereto, are unacceptably increased.

Officials of the Broadcasting Commission of Japan and officers connected with the Japanese Broadcasting Commission of the Japanese Army General Staff should be contacted to show the date of issuance in connection with the dissemination of propaganda, and the effect broadcasted of military directives or policy directives concerning the same might also be the defendant personally, or he be seen having with the same, and under that situation before the trial start and prior day of the trial on the entire record. Such officials and officers should likewise be interviewed in addition to their appropriate subordinates and appropriate higher steps personnel, with reference to the content, time and progress of the material and propaganda that was broadcasted in the United States by defendant during the period elapsed and indicated by the grand jurors in the indictment presently pending in this judicial district. An effort should be made to develop evidence to the effect that if the actual contents of defendant's broadcasts were innocuous, that the propaganda for purposes of the same as being of substantial value for the purpose of disseminating subversive official propaganda over radio-grams was explained to and authorized by the defendant.

A former official of the Japanese radio should be located the with be available at the appropriate time to testify concerning the methods by the Imperial Japanese Government at the time in question of radio broadcast propaganda as an element and instrument of psychological warfare.

In connection of the family names members of defendant's family, i.e., the Hirsch family, last name and first family, i.e., the Hirsch family, and for defendant's family, i.e., the Hirsch family, should be made for appropriate

November 2, 1948.

Information and supporting evidence concerning the verifiability of Defendant and her claim that her marriage to Felipe S. Pineda on 17 April, 1948, at Tokyo, precluded her and constituted a premarriage of her status as an American citizen.

Investigation should be made of the Tokyo Police Records in determining whether or not Defendant registered as an American citizen during the period of her residence in Tokyo during the late war. A record of Defendant's marriage, if any, to Felipe Pineda at Tokyo, Japan, on 17 April, 1948, should be obtained.

The records of the Portuguese Consulate at Tokyo should be searched, if possible, with the aim of determining that the same contain all references to Felipe Pineda's citizenship, Defendant's citizenship, and other related items. It has been previously stated that at one time the Portuguese Consul at Tokyo advised Defendant that she retained her American nationality subsequent to her marriage to Felipe Pineda. The details of such conversation and any and all conversations and/or contact with the Portuguese Consul, or any of his representatives, at Tokyo during her residence there should be developed. Any pertinent official records obtained from the Consul General at Portugal at Tokyo should be certified in accordance with the applicable provisions of Title 48 U.S.C. Section 490, which provides as follows:

"Special Agent WILLIAMS should make an effort to develop the activities of any and all civil governments and by Defendant with the American Consul at Tokyo when the American Consulate was open there, and should obtain from that official the original or photostatic certified copies of any documents pertinent to Defendant's attempted registration in that country, and her final statement of same. Any certified copies of documents obtained from the American Consulate at Tokyo should be certified in accordance with the applicable provisions of Title 48 U.S.C. Section 490, which provides as follows:

"Copies of all official documents and papers in the office of any consul or vice consul of the United States, and of all official writing in the books or records of any consular office, authenticated by the consul or vice consul, shall be admissible equally with the originals."

Agent WILLIAMS and he or she or will be furnished with an appropriate form of attestation and certification prepared by this office, for his use in obtaining a proper certificate as copies of documents to be obtained from the American Consulate General at Tokyo.

Rebels Russian-Ret-Offenses Tokyo reports of the day in our possession and a defense action recently interpreted by counsel for the Defendant

November 2, 1948.

additional private radio scripts allegedly taken by defendant, Robert Hardy, from the American Forces, United States Army, from defendant and/or her husband at Tientsin on October 17, 1948. Every effort should be made to locate the radio scripts of defendant's broadcasts just mentioned.

In addition for discovery and inspection and for a list of particular transcripts to be secured for the Bureau in the criminal proceedings are pending here, attempts to find all private scripts of defendant's radio broadcasts obtained by our agents, known as of about January 2, 1949. Such private scripts, which are mentioned by an affidavit, mention that such scripts may have been obtained by our agent, Thomas Ford, at a time a private radio broadcast was made during October, 1948 after the war, depicting defendant's activities as a radio broadcaster for Japan during the last war.

In cooperation with officers of the Department of the Army, it is suggested that it would be well for Special Agent Williams to make a search of the records, reports, documents and files of the Foreign-Dissemination Corps, particularly at Tientsin and Tokyo, to see whether he could obtain copies of scripts and transcripts of defendant's radio broadcasts. If any additional scripts of defendant's broadcasts are located in the future, every effort should be made to identify them by their individual or serial or listing from copies as retained by defendant, so that the same will be available in evidence in the trial in the future.

Private statements during 1948 and 1949 were obtained from defendant by officers and enlisted men and Special Agents of the American-British-Lithuanian Forces, United States Army. During some of these times, defendant was in custody, and at other times she was not in custody. All pertinent information with reference to the circumstances under which such statements were obtained, together with the names of all persons conducting the same, should be developed, and it should likewise be ascertained whether or not any scripts, notes, prepared or broadcast by defendant even the radio were submitted to her or identified by her obtained by her to be her property at any moment of such times. If such an investigation and search develops, it should be ascertained whether or not the statements obtained from defendant in that regard were made when defendant was at large or in custody of the Army.

It may be that defendant will subsequently interpret a matter to be reported in the press that the copies of scripts of her radio broadcast scripts which are presently in the possession of the Department of Justice were obtained from her home in Tokyo in the Fall of 1947 without her consent, and if in her statement, stated her husband's consent, and allegedly the violation of her marital fidelity as in Tokio's Police records under the American and Fifth Amendments to the Constitution of the United States. The matter needs a review. It will be necessary for the Department of Justice to have available either the affidavits from or by our all persons testimony, the opinions of the witnesses who

November 2, 1946.

Special Agent Vinton's investigation in the instant matter, the identity of any other individuals in a category similar to those above stated, it would appear will for said Agent to identify and explore the possibility of obtaining additional evidentiary material in an interview with said named persons, with a view toward meeting defendant's contention that the recording under review was genuine, and with the additional view to that of developing evidence of defendant's alleged fraudulent intent and the facts and circumstances surrounding the broadcasting activities of defendant.

It is respectfully submitted that the above request for investigation should not be considered in any manner as limiting Special Agent Vinton in the scope of his investigational activity or his progressive help in the instant in this case. It is desirable to have Agent Vinton conduct such other and extensive investigation in this matter as becomes apparent and necessary to him even then to that on the basis of any, all and additional information received by him during the course of his official investigations, and rely in reaching a final decision compliance with this request.

Please rest assured that the Bureau's cooperation in connection with all past and prospective investigations will be conducted with the care and greatly appreciated.

Respectfully,

Very truly yours,
Walter H. Russell
Special Agent in Charge

Letter from Frank J. Hennessy, U.S. Attorney for the
Northern District of California, to Harry M. Kimball,
Special Agent in Charge, Federal Bureau of Investigation,
San Francisco

January 18, 1948.

Harry E. Winkler, Esq.,
Special Agent in Charge,
Federal Bureau of Investigation,
Federal Office Building,
San Francisco, California.

Re: United States vs. Joe David S. Kaplan.

My dear Mr. Winkler:

Reference is made to the above entitled witness presentation presently pending in this jurisdiction.

All preliminary procedural actions taken prior to defendant's arrest listed, a plan of trial entry has been entered by defendant, and the trial of this case is to commence before Chief Federal Judge Smith and a panel jury is scheduled to convene on May, 1948. Special Agent William of the Los Angeles Field Division is presently in the United States in connection with the prospective development of certain facts in this and numerous allegations. The Bureau has to date been cooperating with the Los Angeles Field Division, Federal, criminal against litigation which has been of importance connected to the government. The investigation conducted by Special Agents John Edgar Hall of the Los Angeles Field Division, and Frederick K. Brown of the Los Angeles Field Division of the Bureau, has proved of considerable importance to this office and the Department's connection with the development of the case, these investigations have been to be followed up by the Bureau in this case, and the case will be handled further.

Under 18 U.S.C., Section 360, (b) providing that the government shall furnish to the defendant three days prior to trial, among other things, a list of the witnesses to be produced at the trial, and the place of residence of each witness. The place of residence of the witness shall be indicated in every the list in addition to the name of the witness is required. Thus the witnesses hereafter mentioned are indicated by the Bureau, 18 U.S.C. provided that information as to their last place of residence be checked, so that witnesses comply with the above stated requirements, mentioned by the law.

The following named persons are for the past work in connection, presently residing in the United States, but a list of the persons whose names are listed in this paragraph have employees of government contractors who were employed in the Southwest Pacific during the time that defendant's activities were active. Defendant was traveling in Australia from the Southwest Pacific by the Japanese "New York" program were facts taken from Australia, 1944, March, April, 1945. The persons whose names are listed in

this paragraph allegedly insert his trademarks, and not to allow to paragraph the same. There are all referred to in various specific articles in defendant's Exhibits, and the date of the report in which the witness was interviewed, together with the name of the agent who interviewed the prospective witness, and the name of the case in which the agent wrote the report, are hereafter given opposite the name of the prospective witness in the list. The prospective witnesses listed in this paragraph shall be interviewed or reinterviewed for the purpose for the purpose of interviewing witness or as they are able to recognize the defendant's voice. A recording of one of defendant's speeches shall be played back to the persons the are named in this paragraph for the purpose of identifying witness or not and permit to position in his or her identification of defendant's voice. If said person is able to positively effect identification of defendant's voice, then the interviewing agent shall telegraph the prospective witness with reference to that witness' best recollection as to the substance of what defendant said in the various trademarks of defendant which were heard by said prospective witness. The suggested procedure just outlined will enable the government to identify witnesses and will the witnesses those present statements is desired on behalf of the United States at the trial on the merits. The names of the parties named in this paragraph are hereby listed as follows:

Witness Witness Name	Date of Agent Interview	Agent Name	Case No. Title
John E. Sutton, Jr.	Definitely p. 18 April 1944	John Hobbell	See Section Washington, D. C.
William Robert Thompson	Definitely	John Hobbell	See Page
George Charles Hobbell	Definitely	Thompson	See Section
Robert Thompson	Definitely	John	See Section
Sgt. Charles E. Hill	Definitely	John	See Section
Paul Hobbell	Definitely	Hobbell	Charlotte, N. C.
Paul Hobbell	Definitely	Hobbell	Charlotte, N. C.
John E. Hobbell	Definitely	Hobbell	Charlotte, N. C.
Edward Allen Hobbell	Definitely	John E.A.H. Hobbell in Hobbell	
Spencer R. Hobbell	Definitely	Hobbell	Thompson
Henry Hobbell	Definitely	Hobbell	Thompson

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Text</u>
Rayne Rose	1-2-44 p. 12	Female	New York
Lee Reed	1-14-44 p. 12	Female	New York
Robert A. Reizer	1-2-44 p. 12	Male	New York
North Ridge	1-24-44		Letter to A.A.S. from Mountain.
Robert E. Rogers (Special Agent, S.A. Houston)	1-1-44		Re: Houston Bureau to A.A.S. (spin).
Charles Ross (Houston, Tex. Post)	1-1-44		Letter Houston Bureau to A.A.S. (spin).
Robert A. Ross (Charleston, S. C.)	1-1-44		Re: Houston Bureau to A.A.S. (spin).
William B. Rowley (Washington, D. C.)	1-2-44		Re: Houston Bureau to A.A.S. (spin).
John Robert Ryan (Kansas City)	1-1-44		Re: Houston Bureau to A.A.S. (spin).
John William Ryan (Chicago, Ill.)	1-1-44		Re: Houston Bureau to A.A.S. (spin).
Donald E. Rykman	11-18-44	Female	Philadelphia
John Sayer (Champaign, Ill.)	11-24-44		Re: Houston Bureau to A.A.S. (spin).
Robert William Sealed (see re. Spencer, Harris, Ill.)	11-24-44 p. 2		Re: Houston Bureau to A.A.S. (spin).
Paul Simon (Lynchburg, Va.)	11-24-44		Re: Houston Bureau to A.A.S. (spin).
Sam Sillington (not replied)	11-21-44, p. 2		Letter A.A.S. let Sillington to Houston Bureau.

Witness	Date of Report	Agent	How
Sam Porter (San Antonio)	11-13-67	Letter R.A.M. to Director Bureau	
Walter Lee (San Antonio)	12-12-67	Letter R.A.M. to Director Bureau	
Capt. R. A. Holmstrom (Overland Park)	7-22-68	Phone	San Francisco
Col. John E. Sledge	1-29-68	Witness	San Diego
Col. Sledge	2-25-68	Memphis	Kansas City
Col. Holmstrom	3-1-68	Memphis	San Antonio
Tolson Mitchell	2-15-68	Wright	San Francisco
Robert F. Harrison	10-29-68	Memphis	San Antonio

WALTER LEEH mentioned in Agent Moore's recent letter at San Francisco dated 12/24/67, based defendant's statements when in the Southwest Pacific. His explanation, it should be definitely ascertained whether or not Porter is able to identify defendant's voice. A recording of one of defendant's voice, known, parts should be played back to Porter for the purpose mentioned. Respective offices Porter mentioned also copies of details of defendant's service in a diary. It would be well for the Bureau to obtain the diary mentioned after Porter is interviewed. If Porter is selected as a trial witness, the diary can be used by the prosecutor to gain confidence the the purpose of rebuilding Porter's recollection, if any. The contents of the diary also obtained should be noted and the diary forwarded to the San Francisco Field Division of the Bureau.

WALTER L. HARRISON is referred to in the report of Special Agent Jones at San Francisco dated 12/24/67. Apparently Harrison was in army photographs and was identified after the fact when she was interviewed by the other two representatives of the press. In Harrison's photographs, it should be ascertained whether or not identified was in custody of the time she was interviewed and witness was present. Harrison's last recollection in substance of the statements made by

defendant at the time in question should be developed. It appears from the Bureau records concerning defendant with this witness that defendant possibly gave said witness copies of copies of her radio broadcasts. An effort should be made to locate said, and other persons who have contemporized with reference to her said copies and to identify them as voluntary contributors to the product of the defendant. The same should be forwarded to the San Francisco Field Division of the Bureau. Similarly also based defendant broadcast, a recording of one of defendant's radio broadcasts should be played back to defendant for the purpose of ascertaining whether or not to its contents of readily offering a false identification. He should also be interviewed with reference to his last recollection as to the substance and content of the broadcasts which he heard relayed by defendant. It is suggested that it might be well for the Bureau to obtain a signed statement from this prospective witness.

WILLIAM STEPHEN FOSTER is mentioned in the report of Special Agent written at St. Louis under date of 1-11-48, and likewise in the report of Special Agent Anthony written at Kansas under date of 1-10-48. This witness was an American citizen the son a prisoner of war of the Japanese, and apparently was defendant broadcast. He should be reinterviewed with reference to his last recollection as to the substance and content of that defendant said that he saw her before the attack. He is said to identify a picture of the defendant. In his last previously reported by the Bureau that defendant sought to have this witness speak over the microphone over Radio Tokyo and say that American prisoners of war were treated well. It is suggested that this witness be thoroughly re-interviewed, and it is suggested that it would be well if a signed statement were obtained from him concerning this false and misrepresentative broadcast by this paragraph. It may well be that he will prove to be a material witness for and on behalf of the United States at the trial in the United States before the United States Court and a joint jury here.

WILL FOSTER is mentioned in the report of Special Agent Fudney written at Knoxville under date of 1-10-48. FOSTER was a former agent of the army's Counter-Intelligence Corps. He apparently met person that defendant met before moved after the fall of Japan and then the reconstructed one of her broadcasts.

He should be reinterviewed and interviewed with reference to the substance and content of the radio broadcast which defendant stated after the war to his present. He should likewise be interviewed as to that defendant said to him, namely, according to his last recollection, to his presence when she was being interviewed by Japan or others. It is suggested that FOSTER be presently a Special Agent with the Bureau on duty at some field division office.

WALTER HOFFMAN is mentioned in the report of Special Agent Parker of Knoxville written under date of 1-10-48. Hoffman is a former agent of the Counter-Intelligence Corps of the army. He was formerly an interviewed defendant at Joint Army Court. His last address is reported in the Trade, Atlanta. He

January 12, 1948

should be located by The Bureau and the last known place of abode should be furnished the San Francisco Field Division. American will endeavor to request an agreement witness at the trial in the matter, but it is not necessary at this juncture for the interviewing agent to notify Katsell of such fact.

PARAGRAPH FOUR (FOUR), SAME is continued on page 8 of the summary report written by Special Agent Ryan at the Angeles under date of 1-10-48. It reports that Ryan's interview with the defendant in 1941 that she was an American and not a work at home. Katsell as defendant's attorney to the Federal District will be one of the interested parties in this Federal criminal capital litigation. It is suggested that your Bureau may be furnished information with reference to the activities of the corporation which transpired between Katsell and defendant in 1941 concerning her nationality status.

PARAGRAPH FIVE (FIVE) continued on page 10 of the summary report of Special Agent Ryan at the Angeles under date of 1-10-48, was a former representative of the American Army magazine "TIME". Head with one John Kasper, subject was present when defendant was interviewed after the fall of Japan. He should be closely investigated and re-interviewed with reference to the exact statements in reference which defendant used in the presence that she was interviewed by officials and brought to the fall of 1941. It would be well if a signed statement were obtained from Kasper. It is believed that he will be an important government witness at the trial in the matter.

SIX (SIX), continued on page 11 of the summary report of Special Agent Ryan at the Angeles under date of 1-10-48, was a former army representative of the American military service magazine "TIME". With one James F. Henry, witness interviewed defendant after the fall of Japan in 1945. Special should be re-interviewed and information developed as to whether or not defendant was in Europe, prisoners or otherwise, at the time of the interview. The statements of the interview in detail, according to the best recollection of witness, should be developed. It is believed that witness Kasper has in his possession some notes concerning the interview with defendant which he met at the time of the case. A signed statement should be obtained from the prospective witness, as he may voluntarily be called as a United States witness at the time of the trial in the matter herein. Any notes in his possession should, if possible, be obtained and forwarded to the San Francisco Field Division so that they will be preserved.

SEVEN (SEVEN) SAME is continued in the summary report of Special Agent Ryan written at the Angeles under date of 1-10-48. Paul was a work at home and was charged with a mail program that defendant re-stated was of her brother-in-law American attorney's appearance to the fall of the Japanese Empire. He should be re-interviewed as to the surrounding facts and circumstances concerning defendant's recruitment of her brother-in-law's appearance of the time under investigation herein. The names of the persons present

should be developed and information obtained as to whether or no defendant, at the time, was in custody, either actually or protection, or otherwise. It is alleged that at the time of said broadcast, said defendant possessed two previous broadcasting programs, that certain statements were made by her. The statements of said defendant should be obtained from Paul in accordance with the best capabilities of the same. It appears that working under Paul at the time was a moral agent even after verbal from W.A.S. S.W. 1000000, which was designated to moral protection as "Good Guy No. 10 W.A. 1000000". The moral agent person(s) possessing said agent were were as follows: (1) Jameson Thomas (2) about the frequency (3) Marjorie Ann Hester. If the agent files were under the direction of said Paul, is available in his home, (4) Jameson during that time, Paul and the personnel of his home were as above stated should be searched, and their present places of abode taken down, so that they may be subjected to evidence in behalf of the government or the FBI or the police. If it is desired to effect the moral file in question in evidence, the moral personnel mentioned in this paragraph, including James Paul, should be interviewed with reference to their best recollections as to the substance of the remarks made by defendant in the time under investigation. It should be noted from the record of Special Agent Hester written in the above under line of names, that James Thomas Paul, born defendant's brother-in-law, the defendant's father and is also to identify her voice. It would appear that it would be desirable advantageous to the government if a report respecting of defendant's brother-in-law Paul to James Paul, for the purpose of determining whether or not he is able to effect a positive voice identification.

A. S. 1000000 was a duplicate in the long with Jameson-Thomas (James Thomas Hester). In 1958 he was instrumental in obtaining from defendant's brother copies of certain copies of her radio broadcasts. These should be immediately located and returned concerning the facts and circumstances surrounding the development of the script in question. It is probable that a script will be interpreted by defendant to suppress the script aforementioned on the ground that the same were created by an alleged moral and advisor in violation of defendant's rights under the Fourth and Fifth Amendments to the Constitution of the United States. It, therefore, appears necessary that witness take be interviewed with reference to the facts and circumstances surrounding his obtaining of said script, and particularly with reference to whether or not the same were voluntarily turned over to him by defendant's brother, above said script were obtained and at that time how the same were identified to witness Hester as being the property of defendant; under that authority he stated the same if said script were and voluntarily turned over to him and whether defendant was in custody, protection or otherwise, at the time Hester took obtained said script. Information should likewise be developed as to whether or no any program, literary or legal, was read by Hester Hester at the time he saw take possession of copies of the script just discussed. It is believed that it would be advantageous to have a signed statement executed by that witness.

THE T. GRIFFITH is mentioned in the report of Special Agent Richard Warren at Albany under date of 2-25-68. It appears that Griffith had no use of defendant's headshots. It should be recommended and a report regarding all defendant's value should be developed to him for the purpose of identifying value or in the field in order to select a positive value identification. No more attempt to interview with reference to the last assignment as to the substance of the matter which he knew defendant told in the various interviews of defendant which he knew. It appears Griffith that Griffith was given the value of his house of "one" property, which value is therefore mentioned in the letter, interview defendant assigned to the field of value. Warren Griffith should be interviewed with reference to his last assignment as to what defendant told at the time she was interviewed by Kiser. Research in this matter is of considerable importance. It is believed that it would be very for the Bureau to obtain a report statement from him as the representative. Information should be developed from Griffith as to whether or not defendant was in custody, protective in character, at the time of the assignment of the laboratory which he discussed.

March 4, 1970 is mentioned in a memorandum from Executive Order to Assistant Attorney General, under date of 2-25-68. It appears that some laboratory defendant as in any representation after the fall of 1968. It appears Griffith that there has stated that he was to be a positive in the last assigned matter of defendant's headshots which were given to him by her. An effort should be made to obtain the original matter referred to, although it is believed that some photographs of the case are presently in the possession of the Bureau. It will be necessary for the government to have possession of the original matter as that they can, as a matter of fact, be said to be properly identified and highly identified as evidence at the trial. If possible should Griffith be interviewed with reference to his last assignment or to the subject of defendant's headshots at the time she was interviewed in the present. It is believed that it would be very for the Bureau to obtain a report statement from him as the representative. Information should be developed from Griffith as to whether or not defendant was in custody of the time of the interview of defendant in the present, and if the answer is in the affirmative, information should be obtained as to the type of custody referred to.

The JOHN ALBERT KIRKMAN is mentioned in the report of Special Agent Richard Warren at Buffalo, New York, under date of 2-25-68. KIRKMAN was in any way in use of the prison in Japan in which defendant was held to identify other the case. For a period of time he apparently could give some information. The given him a job title which was previously mentioned by her in her two interviews and which KIRKMAN referred with the application "John" name. The last three given of value of KIRKMAN should be obtained. It will be necessary to obtain as a previous witness of the field in the matter for the purpose of identifying defendant's headshots. It is believed that it would be very for the Bureau to obtain as a previous witness of the field in the matter for the purpose of identifying defendant's headshots. It is believed that it would be very for the Bureau to obtain as a previous witness of the field in the matter for the purpose of identifying defendant's headshots.

from his signed statement concerning the facts and circumstances surrounding the statements of the interrogated prisoner. It is believed that the original prisoner should be furnished to the San Francisco Field Division of the Bureau.

WILLIAM E. FULTON, Special Engineer of the Bureau of St. Louis, is mentioned in a memorandum from Houston Bureau to Assistant Attorney General, dated under date of 1-14-68. It appears that FULTON was a former agent of the camp's Counter-Intelligence Corps, and as such international defendant assigned to the jurisdiction of actual jurisdiction in the United States United States and Japan. He furthermore, Special Engineer FULTON should be mentioned with reference to the circumstances under which he international defendant, and whether or not the case is pending in the case. A signed statement should be obtained from FULTON regarding, according to the facts of his jurisdiction, that states under defendant under in reference to the name of the defendant under investigation.

ROBERT JOHN KIMBLE, Washington, D. C., is mentioned in a memorandum from Houston Bureau to Federal Assistant Attorney General, dated under date of 1-14-68. In such memorandum, KIMBLE KIMBLE was referred to in a file under in American prisoners of war in Japan, in which file defendant appeared. It is believed that an effort should be made by the Bureau to obtain the file in question, and if it develops that the case is undecidable, it may be that KIMBLE KIMBLE was involved in his last jurisdiction concerning the retention of the records made by defendant in the time the case was closed in American prisoners of war in reference. In reference, it is believed that more detailed information could be obtained if a further interview with KIMBLE KIMBLE could be obtained regarding the end of obtaining from him his last records under as to that defendant out of the name the case file in question was related to American prisoners of war.

The Bureau that file of the National Division, Department of Justice, Washington, report that on 1-14-68, WALTER E. JAMES, 1120 Western Avenue, Los Angeles, California, wrote to the Department and stated that the last known defendant was over slightly during the war. It is believed that it could be said if the case were referred, and a letter regarding of defendant's name played back to her for the purpose of obtaining whether or not the in question of obtaining a positive name identification. If not, the case is believed defendant's name, she should be interrogated with reference to her last jurisdiction as to the current and retention of that defendant under the case during the period under investigation.

WILLIAM E. JAMES is mentioned in the memorandum from Houston Bureau to Federal Assistant Attorney General dated under date of 1-14-68. It

appears that at one time Sgt. Bailey, as an witness, made three recordings of defendant's statements. It is suggested that it could be well if investigative information were developed by the Bureau as to whether or not Sgt. Bailey is still in possession of the records in question, and if so, whether or not they are recordings of defendant's statements. A more recording of defendant's voice should be played back in the attempt for the purpose of corroborating whether or not he is able to identify the voice therein as the same he heard them as told in the defendant's affidavit. If the purpose is able to recall defendant's statements, he should be interviewed with reference to his best recollection as to the content and substance of what she said over the air.

JOHN L. BERRY, with the Federal Communications Commission of Washington, is mentioned in the statement of Herbert Hoover in letter directed Attorney General John Edgar Hoover. It appears that Bailey may have mentioned some of defendant's statements that he was identified as Hoover. He should be interviewed with reference to his ability to obtain a positive voice identification of defendant's statements, and in this particular it could appear well if one of defendant's voice recordings were played back to Bailey. He likewise should be interviewed with reference to his best recollection as to the content and substance of what defendant said in her statements which he heard, if any.

LEWIS CAROL BIRD of 488 Howe Street, Longmont, Colorado, is mentioned in the report of Special Agent Agents of Los Angeles, dated March. It appears that claims have been made of defendant's statements concerning the loss of American ships. It was noted that the statements in question are the original copies of serials H and I in the indictment which deal with the loss of American ships in the battle of the Java Sea. A more recording of defendant's voice should be played back to obtain data for the purpose of ascertaining whether or not a positive voice identification of defendant. It should be able to identify a positive voice identification. He should be interviewed with reference to his best recollection as to the substance of what defendant said in the statements which he has been he heard, if any. Should it develop that such witness is capable of obtaining a positive voice identification, it is suggested that it could be used to obtain a signed statement from him.

WILLIAM FLOYD HENNING is mentioned in the report of Special Agent Agents written at Los Angeles under date of 1-1-68. Henning is presently located at Fairbury, Nebraska. Information obtained by the Bureau indicates that this witness may have heard statements made by defendant concerning the loss of American ships in the battle of Java Sea. It was noted that such copies and the original records loss of American ships and the original copies of serials H and I held in the indictment. Directed Attorney General

January 18, 1948.

Blanchard and Hunsford, the one reported to testify at the trial on the merits as to the possession of the spent pipe in question. Comparative witness interviews should begin to a more recording of defendant's voice for the purpose of obtaining further as to his capability of effecting a positive vocal identification. If he positively identifies defendant's voice as the speaking person seen to him, he should be closely interrogated with reference to his best recollection as to the substance of the statement he heard defendant make on various occasions over the air, if any. If it appears that this witness is capable of identifying defendant's voice, it is believed that it would be well for the interviewing agent to obtain a signed statement from said witness.

WILLIAM E. WOODS is mentioned in the report of Special Agent Roberts of the Los Angeles under date of 1-1-48. Woods appears at Alhambra, California, to appear that he may have heard defendant broadcast concerning the alleged loss of machine guns in the battle of Iquitos July 19-20, 1944. (Exhibit 10) and I told in the referenced memo defendant's statements regarding the alleged loss of machine guns in the battle of Iquitos July. Requested witnesses George Wrenshaw and Hunsford, the one reported to testify as to the possession of said spent pipe. A more recording of defendant's voice should be placed both to witness further for the purpose of obtaining further as to his capability of effecting a positive vocal identification. If in hearings take time to able to testify defendant's voice, he should be closely interrogated with reference to his best recollection as to the substance of any remarks he heard defendant make over the air during the period involved in the indictment. If it appears that subject is capable of positively identifying defendant's voice as the one he heard over the air, it is believed that it would be well for the interviewing agent to obtain a signed statement from him.

Sam Reed Hagman, is mentioned in the report of Special Agent Roberts of Los Angeles under date of 1-2-48. Hagman is a former P.O.D. employee who he reported to have witnessed defendant's broadcast in the Pacific Theater during the war zone. He should be located by the Bureau, and then interviewed defendant should be developed from him as to whether or not he is capable of effecting a positive identification of defendant's voice. For the purpose aforementioned, it is suggested that it would be well for a more recording of defendant's voice over played back to Hagman. He should likewise be questioned with reference to his best recollection as to the substance of any remarks which he heard defendant broadcast over the air.

WILLIAM E. WOODS is mentioned in the report of Special Agent Roberts of Los Angeles dated 1-1-48. It appears that this witness, as a witness of fact, with an original mind connecting with defendant. In effort should be made to ascertain the precise location of said original mind connecting, and if this can be located, it should be forwarded to the San Francisco Field Division. Note should be closely developed, concerning the facts and circumstances surrounding the making of said

everything, and information should be obtained from him as to the effectiveness of the witnesses according to his best recollection, which defendant told at the time. Including defendant's statements that he told some concerning and otherwise. It is believed that it could be disturbingly advantageous to the government if a signed statement were to be obtained by the interviewing agent from this witness.

Witness H. HENRY is mentioned in the report of Special Agent Nichols at Los Angeles under date of dated. It appears that this witness may have some recollections which he must also be interviewed defendant's statements. It could be well if this investigation and view the fact as soon as possible. A more thorough of defendant's case should be played back to witness HENRY, and he should be interviewed as to whether or not he is able to afford a positive identification of defendant's voice. If HENRY is able to identify defendant's voice as one of the individuals which he heard during the war, he should be strongly interviewing as to his best recollection as to the addresses and contacts of the persons met by defendant prior the war during the period of time he knew him.

WITNESS BERTIE is mentioned in the report of Special Agent Nichols at Fresno under date of 1-24-61. Prior to interviewing her Agent in 1961, the Agent is supposed to have told this witness that she, defendant, was going to Japan for the purpose of studying medicine, and that her father was in medical studies in Japan and would furnish letters to her prospective medical career there. This witness should be interviewed and a signed statement obtained from her regarding, to the best of her recollection, the address of her father with defendant about this matter.

WITNESS WENDEL, a former college associate of defendant, is mentioned in the report of Special Agent Nichols at Los Angeles under date of 1-24-61. It appears that this witness has stated that defendant was an English student and related conversations regarding toward my wife President Franklin D. Roosevelt. This witness should be questioned with regard to any statements which defendant was concerning the servicemen of the United States in a war with Japan, the possible names thereof, and the responsibility thereof. It is believed that it could be well to obtain a signed statement from this witness.

MR. EARL STEWART, a former associate and/or one of defendant's professors at the University of California, Los Angeles Branch, is mentioned in the report of Special Agent Nichols at Los Angeles, dated 1-24-61. Defendant, prior to leaving for Japan in 1941, is supposed to have told Mr. Stewart that her sole purpose for proceeding to Japan was to participate at a medical school there. Mr. Stewart should be thoroughly re-interested concerning his own recollection with defendant on this matter, and, if possible, a signed statement should be obtained from him. He asks, when interviewed by representatives of the Bureau and the Army's Counter-Intelligence Corps, defendant has consistently indicated that and proceeded to Japan in July of 1941 for a temporary stay

Henry B. Kibben, Jr.,

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January 18, 1948

only and for the sole purpose of watching her and the attorney was then seriously interrogated.

MR. WILLIAM T. RIFE, a former Los Angeles assistant city engineer, is mentioned in the report of Special Agent Roberts as having spoken, dated 12-27-47. MR. RIFE has stated that defendant told him in 1946 that she, defendant, was going to Japan for the sole purpose of studying medicine there. The substance of said conversation between MR. RIFE and defendant, together as stated here, is also to reveal the same, dated as aforesaid. It must be noted, if the Bureau were able to obtain a signed statement from MR. RIFE.

The necessity and importance of obtaining information as to the place of abode of each of the persons mentioned referred to in this letter under the purview of Title 18 U.S.C. Section 2381a is again stressed.

Please read advised that the Bureau's cooperation in this case is greatly appreciated.

Respectfully,

WILLIAM T. RIFE
Private Police Officer

Letter from Wayne Collins, attorney for the defense, to Tom DeWolfe, Special Assistant to the Attorney General.

February 14, 1948

The Honorable, Hon.
Special Assistant to the Attorney General
Department of Justice Building
Washington 25, D. C.

Dear Mr. Patterson:

In Re: U.S. vs. D'Amico
Re: NYTELAP

I have applied to the Joint Chiefs of Staff, U.S.A.,
Washington Building, Washington, D. C., and to HQAF of
Belts, for military permits for Thomas Tabor, Esq.,
attorney, associated with me, and Tennessee Schmeide,
Investigator and Interpreter from my office, to visit
Japan for the purpose of locating witnesses and
obtaining statements from them, and also for the pur-
pose of obtaining the depositions of witnesses in the
event the Court desires a written to be made by me for
the production of other witnesses in Japan and other
witnesses in Japan at Government expense on the ground
that Mr. Joe T. D'Amico has insufficient funds to pro-
duce such witnesses.

I am not entirely positive that relatives and friends
of Mrs. D'Amico will be able to raise the necessary funds
for the purpose of such a trip but, believing under the
circumstances that such funds may be raised, it is my hope
that Mr. Tabor and Mr. Schmeide will be permitted to go
to Japan via Pan-American Airways on or about March 15,
1948. If so, shortly thereafter they should have been
within the competence of a number of witnesses and be
ready to take their depositions as above mentioned. Inas-
much as the names of these witnesses are at the present
time known to me, I would like to ascertain from you
if you will agree to the taking of depositions of wit-
nesses and to stipulations in order to save time in apply-
ing to the Court for subpoenas return for so doing. I should
also like to ascertain if you or one of your assistants
could arrange to represent the Government at the taking

of such disposition to commence shortly after the middle of March.

Mr. Tuck and Mr. McIntire have also applied to the Passport Division, Department of State, Washington, D. C., to the attention of Mr. Copping, Chief, Passport Division, through the San Francisco Office of the Consulate of State, for passports to be issued to them for said purpose. I am enclosing copies of my letters to both the San Jose Chief of Staff and Vice Consul of my letters to the Passport Division.

If there is anything that you can do to expedite the issuance of the passports and the obtaining of the military permits, I shall be grateful to you.

Very truly yours,



Duplicate original to:
Frank J. Ramsey, U.S. Attorney

Letter from Alexander M. Campbell, Assistant Attorney
General, to Frank J. Hennessy, U.S. Attorney for the
Northern District of California

44-38867

44-38867-1

April 8, 1954

Frank J. Hennings, Esquire
Federal Reserve Attorney
San Francisco, California

Dear Mr. Hennings:

Re: Edward Martin v. Los Angeles, 343 U.S. 130
En banc

Reference is made to the above entitled Supreme Court decision recently pending in your jurisdiction. The Department acknowledges receipt of and thanks you for your letter of March 25, 1954 addressed to the Office of the General Counsel. The subject matter of your letter refers to a routine investigation of the payroll pay pool from which promotional advances will be selected to decide the Federal Reserve's contribution to the matter in the case at hand.

It has been the honorable policy of the Department in previous cases of this type in the past to request the Federal Bureau of Investigation to conduct a routine investigation of the payroll of prospective advances from which the trial jurors will be selected. The Department's experience in this type of litigation has led it to believe that more advantageous results may accrue to the Government as a result of such an investigation. It is stated here however that it will be to the best interests of the Government to use appropriate view for this litigation to request the Bureau to make an investigation of the pay pool from which promotional advances will be selected to give in this case.

Please keep the Department advised as to all material developments from above herein.

Very truly,
Sincerely,

For the Attorney General

WILLIAM H. CAMPBELL
Assistant Attorney General

AMERICA INC

Head: No. 1-1-1 Chuo Yamanashi, Tokyo
Office: No. 1-1-1 Chuo Yamanashi, Tokyo
No. 1-1-1 Chuo Yamanashi, Tokyo

AMERICAN AIRWAYS

Head: No. 11, Yamaguchi, Tokyo, Japan

AMERICAN AIRWAYS (HAWAII)

Head: 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Office: 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
No. 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Phone: 11-1111

AMERICAN AIR

Office: 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
No. 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Head: 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

AMERICAN AIR

1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

AMERICAN AIR

1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

AMERICAN AIR

1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

AMERICAN AIR

1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

AMERICAN AIR

1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

AMERICAN AIR

Office: 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Head: 1111, Kapiolani, Honolulu, Hawaii, U.S.A.
Tokyo, Japan

WILLIAM WATKINS
Telecommunications Bureau
Ministry of Communications
1- Nagatsuta, Chiyoda, Tokyo, Japan

YOSHIMORI KAGAMI
1-1 Japan B, Ariyagaya, Tokyo, Japan

WILLIAM WILCO
Radio Club, Manila, Philippine Islands

WILLIAM WILCO
Radio Club
Tokyo, Japan

WILLIAM WILCO
1-1, Chiba, Chiba, Japan

WILLIAM WILCO
1-1, 1-1, 1-1, 1-1
Tokyo, Japan

WILLIAM WILCO
1-1, 1-1, 1-1, 1-1
Tokyo, Japan

WILLIAM WILCO
1-1, 1-1, 1-1, 1-1
Tokyo, Japan

WILLIAM WILCO
1-1, 1-1, 1-1, 1-1
Tokyo, Japan

WILLIAM WILCO
1-1, 1-1, 1-1, 1-1
Tokyo, Japan

It would be appreciated if proper action could be taken by your Department through appropriate channels leading toward the end that the prospective Government witnesses represented be immediately contacted by military personnel in Japan, and Manila, and alerted to meet for their coming trip to San Francisco. Arrangements for the transportation of such witnesses from Japan and Manila to San Francisco should be made by the Department of the Army, and its representatives. It is suggested that when the witness, with reference to the subject

subject of this letter is to let you know the exact date and time when the desired arrival in the United States of your witnesses will take place from St. Paul, Minn., at the Hawaiian Islands.

When arrangements are effected by the Department of the Army for the transportation of your witnesses to the Hawaiian, it is requested that you inform this Department of the expected time and place of arrival of your witnesses in this country so that representatives of this Department will be on hand through to take the necessary steps for the arrival and lodging of your witnesses, during their sojourn in this country. The Department of Justice will give you the best advice of the witnesses' whereabouts on their arrival in the United States. The Department of Justice will endeavor to expedite in the way for the necessary facilities for the transportation of the above-named witnesses from the United States to the Hawaiian.

Please rest assured that your cooperation therein is greatly appreciated by this Department.

Respectfully,

For the Attorney General

WILLIAM H. CANNON,
Assistant Attorney General

Letter from Wayne Collins, attorney for the defense, to
Tom DeWolfe, Special Assistant to the Attorney General,
et al.

DAVID H. JOHNSON
Professor at San
Diego State, 3250 La Jolla Village
Road, San Diego, CA 92161



Gen. Tom M. Voita, Special Assistant to The Attorney General,
San Francisco, California.
Gen. Tom E. Hunt, Attorney General, Washington, D. C.
Gen. Frank J. Bammert, U. S. Attorney, San Francisco, Calif.

100

En 1991, la ley de la Unión Europea, que prohíbe el uso de pesticidas que dañen a las aves, se aplicó a los pesticidas que se utilizan en la agricultura.

I am informed that the Department of Justice ordered some alien spy witnesses for the prosecution brought from Japan to testify at Spc. Iva T. Stupp's trial. It is my understanding that, as a matter of official courtesy, they were ordered paroled without bond upon their arrival here by plane and that they are to have the freedom of the country until the trial is completed. A minority, if not all of these prosecution witnesses, are alien members of the United States.

General Furber Allied soldiers have volunteered to come from Australia to testify for the defense. Advice Furber is that it has been decided not to allow them a like courtesy and that he will be asked to examine them to give evidence to this country as testify for the defendant.

An objection is raised to the admission of the government's alien enemy Japanese witnesses without oath. It is stated, however, that in many former American courts, including the one at which the fight is being held, it is customary to testify for the defendant without being sworn. It is stated that a Japanese government witness is not sworn but that he is sworn by the government against him. It is stated that the government is not sworn.

[illegible]

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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Regina's Original, Inc.
Commissioner of Receptions,
Providence, R. I.
Richard Elbert, Agent,
Van Pelt & Co., Inc.,

Letter from Frank J. Hennessy, U.S. Attorney for the
Northern District of California, to Alexander M.
Campbell, Assistant Attorney General

THE-66

June 24, 1949.

*see memo to
Clegg*

FOR INFO

Alexander M. Campbell, Esq.,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

Sir: Re. United States vs. The Edward D. Hughes,
Case No. 100-10-1000.

Reference is made to the above entitled criminal prosecution presently pending in this jurisdiction. This case involves various and sundry items which were seized from the Hughes and Hughes. The items were for production and inspection of State, War and Justice Department officials records and were subsequently returned to the applicable provisions of F.R. Code, 2, 10, 17. The items were of an extremely nature and were extremely valued and guarded.

The above items were seized by Mr. Hughes and Hughes and it would be noted that the items were items referred to above.

After argument on the above entitled motion on 20 and 21 June, 1949, Chief Federal Judge Smith denied defendant's motion for production and inspection of Government documents and granted the motion of Mr. Hughes and Hughes to grant the seizure of items from the items. Some of the contents of the items seized documents, other production was sought, was confidential and privileged.

The trial of this case is in progress in the United States District Court at 2 July, 1949, and it is expected that the case will go forward as scheduled.

The Department will be kept advised as to all relevant developments that may occur.

Respectfully,

FRANK F. KELLEY,
United States Attorney.

Letter from Frank J. Hennessy, U.S. Attorney for the
Northern District of California, to Alexander M.
Campbell, Assistant Attorney General

SECRET

ADM 5611

22 July 1949

Alexander M. Campbell, Esq.,
Assistant Attorney General,
Criminal Division,
Department of Justice,
Washington - 25, D. C.

Dear Mr. Campbell:

Re: United States v. The German Warplanes, et al.
Case No. 100-10000

Reference is made to the above entitled German prosecution case, presently pending in this jurisdiction. We are last considering the second week of the trial proceedings in this Federal criminal capital litigation. The trial is going rather slowly and, unless the tempo of the case is stepped up, it is feared that the entire proceedings might not be concluded until September.

The reason for the lengthy trial proceedings is the protracted cross-examination of which Government witnesses are being subjected by the defense. Numerous objections to the defendant's cross-examination of Government witnesses have been interposed to date on various legal grounds. For the most part, such objections have been sustained. We interpret these objections with some reluctance, due to the fact that we do not wish to give the jury the impression that the Government is consistently obstructing and consequently has something to hide. On the other hand, the court is handling the case in a very judicial and fair manner and is giving the United States all reasonable latitude in connection with the introduction of its proof.

Wagner, Ryan and Rapp are actively participating in the trial of this case. Mr. Ryan is examining some Government witnesses in great detail in the Government's case in chief. It is claimed to have Mr. Ryan cross-examine some of the defendant's witnesses, probably Edgar Rosenberg and Herman Rosen. It is expected that William Dean, Norman Hayes, Charles Bennett, Mark Rappach, and a few other prisoners of war will testify for and on behalf of the defendant.

The defense in the above-mentioned is able and ought to dwell on the alleged cruel conditions under which inmates prisoners of war were forced to exist during the period of time covered in the indictment and to issue in this case. The Government has consistently objected to this line of testimony as being immaterial and as constituting not proper cross-examination. In a certain sense our objection against this line of testimony have been sustained. We hold, nevertheless, a brief note to accurately indicate what the Court's ruling will be with reference to this matter. It is obvious that the defense is making its attempt to divert attention from the conditions of the prisoners of war camps and to divert attention from the defendant. All appropriate, reasonable, and proper efforts are being made by the United States to fight this strategy of the defendant. Every attempt, however, is being made to expunge the trial of this case.

Mr. Rogers will be one of the Government witnesses and is shortly to take the stand. Under the above ruling in this particular any attempt for either party to bring into testimony is precluded from appearing. Consequently, if the trial becomes protracted, as is presently anticipated, it may become necessary to withdraw the services of Mr. Rogers in making one of the final arguments to the jury. As is, as above stated, actually participating in the trial and likewise handling matters involving necessary legal research. Because of the facts above stated, his participation in the trial of this case will give him firsthand knowledge concerning the surrounding facts and circumstances on the assignment on which he has been sent here by the Department. His participation in the trial of this case will be of untold advantage and assistance to him in connection with the specific assignment on which he was dispatched here by the Department.

Please stay advised that the Department will be kept advised as to all material developments that occur herein.

Respectfully,

Frank J.weeney
United States Attorney

Tolson

July 27, 1950

Charles H. Campbell, Esq.,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

Re: United States v. Joe David Pender
(our file: 100-3646)

Dear Mr. Campbell:

Reference is made to the above entitled treason prosecution presently pending in this District. It has been concluded the third issue of the trial proceedings. The case appears to be well advanced and prosecution has not any real substantial work remaining. This part with the two other witnesses for and on behalf of the United States will be the witness stand to an extent to prove the overt acts said to be the indictment. The trial court has allowed several days more adjournment on each of two witnesses over the objection of the United States. However, as previously stated, the Federal Judge presiding in allowing the United States more adjournment indicates its cooperation with the introduction of the plea to subordinate the material allegations to the indictment. Their effort will be made by the Government to expedite the trial of this case looking toward the end that no unnecessary delays in the trial proceedings occur.

James W. Nease from the Department is actively participating in the trial proceedings and is conducting extensive independent non-reading material involving required and necessary legal research.

It is thought that at this juncture that the United States has made out a prima facie case sufficient to withstand a motion for judgment of acquittal. It seems that the result of this protracted Federal criminal capital litigation will be more or less final.

The Department will be kept advised as to all material developments that arise herein.

Respectfully,

Frank J. McCarthy
United States Attorney

Washed

ADJ. GEN.

28 August 1942

Alexander M. Campbell, Esq.,
Assistant Attorney General,
Department of Justice,
Washington 25, D.C.

Dear Mr. Campbell:

Re: United States v. The Transport O'Leary
Case Reference No. 100-89-1841

Reference is made to the above-captioned treason
prosecution presently pending in this jurisdiction.

The Government will, over the case in chief this
afternoon or next Monday, 18 August, as previously
stated, the Government's case with a long time element
of the extensive nature of cross-examination allowed
defendant by the Court. This cross-examination
involved facts and circumstances concerning American
prisoners of war who broadcast over Radio Tokyo during
the late war. In such manner, this cross-examination
was related to the defendant's activities in Japan
before. Insofar as the case was not related to the
issue on trial, the Government was reasonably satisfied.
As in obtaining rulings from the Court regarding the
proffered cross-examination of each Government witness
presented by defense counsel.

Every effort is being and has been made to expedite
the trial of this Federal related capital litigation.
It is believed that a prime factor case has been made out
for the jury. The Department will be kept advised as to
all material developments that come herein.

Respectfully,

Frank J. Hennery
United States Attorney

MEMO

ACB 8811

August 20, 1949

Alexander W. Campbell, Esq.,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

Dear Mr. Campbell:

Re: United States v. Dr. Hsueh Shih-ping
File Reference No. 100-36394

Reference is made to the above-captioned treason prosecution presently pending in this jurisdiction. Testimony concluded the second trial week of these proceedings. The defense is now on. Every effort is being made by the Court and the Government to expedite the trial proceedings, looking toward the end that the case and issues herein involved are submitted to the petit jury as soon as possible and practicable.

Former Australian Army Major General and American Army Captain William Ross were on the witness stand this past week. They testified to numerous Japanese activities of war, which evidence was vigorously objected to by the Government, but was admitted by the Court after the defense was able to show that knowledge of the same was brought home to the defendant by said officer as prisoners of war during her humiliating treatment. This evidence was admitted by the Court on the theory that it would have some probative value on the question of whether or an defendant was under duress. The testimony referred to was not favorable to the Government, and consequently may have some deleterious effect against the Government case weighed by the jury. However, damaging admissions were admitted as cross-examination by the United States from the witnesses mentioned and their credibility was to some extent successfully attacked by the United States. The witnesses above-mentioned were procured by James H. Hogg from The Department in a most able and competent fashion.

Norman Boyce, a former Army officer with the Philippine Army and a prisoner of war during the Manila Trials, has testified to the same effect as a defense witness and is now under government custody. It is expected that the Government will be reasonably successful in attacking his credibility.

Summarizing, it is believed that a fact issue has been developed and that the conflict in the evidence which presumably exists will be the final analysis be resolved by the jury as a fact question. It has been apparent now that all legal questions have been covered by the United States and that the case will go to the jury. The final outcome of this extended and protracted Federal criminal capital litigation is, of course, really speculation, probability, and conjecture.

It is believed that the case will go to the jury by 15 September, and maybe prior to that time. Inevitably as possible, we shall endeavor to submit to you a weekly report showing the progress effected in this proceeding. Please rest assured that the Department will be kept advised as to all material developments that occur herein.

Respectfully,

Frank E. Humphrey
United States Attorney

Synopsis of the criminal trial of Iva Ikuko Toguri D'Aquino
(aka "Tokyo Rose") by J. Eldon Dunn, Federal Bureau
of Investigation

NY 100-8040

INTERVIEW REPORT

J. THOMAS THOMAS
121 Park Avenue East
New York, New York

THOMAS testified that he was a member of the U. S. Army and assigned to the Staff of the Liaison Office at the time subject was incarcerated there in October, 1945. He said that subject autographed a Japanese gas mask with the name JIM THOMAS "THOMAS WAS." This was introduced by the Government in evidence.

WILLIAM J. WILLARD
Special Agent
Federal Bureau of Investigation

Special Agent WILLARD testified that he had observed subject within her name and that he was familiar with the signatures of subject's signature. Through him the Government introduced into evidence various documents relating to subject's statements which subject had signed. Special Agent WILLARD also testified during the trial that he had observed a signed statement from the subject which was incarcerated in Japan in the custody of the U. S. Army which signed photograph was introduced in evidence and read to the jury.

He advised Special Agent THOMAS testified that he was present on October 8 and 9, 1945 when signed statements were obtained from subject without THOMAS and that THOMAS signed these statements voluntarily and stated that they were the truth.

JOHN W. THOMAS, Captain of
Army Transport, OFFICE U. S. ARMY

Captain W. THOMAS testified that as Captain of the USS THOMAS, U. S. ARMY the only transport subject was taken to the United States, then arriving in the United States at San Francisco, California. Captain W. THOMAS said that subject was taken aboard at Yokohama, Japan on September 2, 1945 and arrived at the Port of San Francisco on September 30, 1945.

JOHN P. THOMAS, Captain
Office of Military Police
U. S. ARMY

Captain THOMAS testified that he was assigned to guard the

NY 100-106

subject from Japan to the United States and that he took subject into custody at the Nagasaki Prison, Nagasaki, Japan and brought her to San Francisco, California, where subject was delivered to Special Agents of the Federal Bureau of Investigation.

CHARLES WHITE, Major
Nagasaki, Japan

Major WHITE testified that she was the female guard assigned to conduct the subject from Nagasaki Prison, Tokyo, Japan to the Port of San Francisco where subject was delivered to Agents of the FBI.

WILLIAMS
Tokyo, Japan

WILLIAMS testified that he is at present not over forty years old and that an official of Tokyo Tokyo in Tokyo, Japan and that he was head of the Personnel Section, Government Institution to determine the official personal history card of subject which was submitted at Tokyo Tokyo in Tokyo, Japan during the period that she remained there through 1944.

JOHN JOHNSON
Tokyo, Japan

JOHN JOHNSON testified that she was an employee of Tokyo Tokyo and was responsible with subject during the time that subject remained there Tokyo, Japan. JOHN JOHNSON stated that she has been one of the radio artists used by the subject and testified that subject has broadcast statements testified to have occurred through Japanese and that subject broadcast other than statements to the U. S. troops.

JOSEPH JOSEPH
Tokyo, Japan

JOSEPH testified that during the war he was a senior officer of the Japanese Army and as such was assigned to the Army Propaganda Section in Tokyo. He stated that propaganda from Tokyo Tokyo was broadcast to the members of the Japanese Army as a part of their psychological warfare against the United States troops. He testified that the "Tokyo Times" program was part of the Japanese Army plan of psychological warfare and that subject broadcast propaganda on the "Tokyo Times" to the United States troops. He further testified

NY 100-100

This subject was not compelled to broadcast nor was she under any coercion resulting from the Japanese propaganda.

It is to be noted in lengthy cross-examination Japanese counsel attempted to show through this witness that all activities personnel in Tokyo Tokyo were under coercion and forced to broadcast, but Japanese counsel was unable to accomplish this purpose.

STATE 11, WITNESS
NAME: Central Source
Address, Telephone

Mr. WITNESS is employed as a Japanese agent and was qualified by the Government as an interpreter in the trial of subject and was used by the Government to interpret for all Japanese testifying who could not speak English.

STATE 12
Name: Frank's brother
Address, Telephone

Mr. WITNESS testified that on a newspaper reporting to Frank Tokyo, stated subject on September 12, 1944 at the Imperial Hotel in Tokyo, Japan, at that time STATE 12 and WITNESS WITNESS interviewed subject, subject stating that STATE 12 identified himself as the one and only Tokyo agent and STATE 12 typed notes during the course of the interview as to what subject said. Further notes were introduced by the Government to evidence and disclosed subject was broadcasting from Japan voluntarily and that she had chosen to state in that she had broadcast concerning the loss of American ships during one of the naval battles. It is to be noted that this statement previously referred to in the Exhibit of Tokyo 1001 which was the basis of the sixth count set out in the indictment which was the only count set on which the jury returned a verdict of guilty.

STATE 13, WITNESS
Address, Telephone
To be furnished if desired.

Mr. WITNESS testified that he went to Tokyo, Japan in return from the Department of Justice and on August 20, 1944, interviewed subject at the red light building in Tokyo, Japan at which time he showed subject a photograph one of the action taken by STATE 12 at the time he interviewed subject. Mr. WITNESS testified that subject read the photograph copy of the action, identifying

or (b)(7)(D)

each page and signing her name at the end and stated that the notes were true and correct as to her information upon JAMES EARL RAY. SHE stated that RAYET L. BROWN was present when he interviewed subject.

INTERVIEW BY

WILLIAM JAMES

SHE testified he was an official of Radio Tokyo in Tokyo, Japan during the time subject was employed there broadcasting propaganda to the U. S. troops. SHE testified that the purpose of the "Japs News", the program in which subject appeared, was to induce a feeling of benevolence among American troops and their subject broadcast in furtherance of that purpose. SHE testified to all of the overt acts alleged in the indictment against the subject.

WITNESS TESTS CONTINUED

THOMAS JAMES

THOMAS testified that he was an official of Radio Tokyo during the time subject broadcast from Tokyo, Japan and that he was head of the "Japs News" program. He testified that subject inductually broadcast propaganda to the American troops in this program and the purpose of the program was to induce a feeling of benevolence in American troops regarding their war in Japan and Germany.

THOMAS testified to the truth of all overt acts in the indictment against the subject except the seventh overt act.

WILL JAMES

SHE Test that JAMES

RAY Test JAMES, U.S.

WILLIAM testified that as a lieutenant in the U. S. Army he was assigned to the East Asiatic Corps during the war with Japan. He testified that in September of 1945 he interrogated subject a number of times in Tokyo, Japan, and that subject gave him a copy of one of her radio broadcasts which began the words "Hello there." He testified that subject told him that she often went to Japan to study medicine, that it was her wish before her subject to take and become a physician and that her husband often told her she should get to know the U.S. Armed Forces after the war because of her broadcasts. WITNESS also testified that subject claimed that she was "Tokyo News" and that in her broadcasts she called herself "Japan News."

NY 100-10416

JOHN H. BERRY

Philadelphia, Pennsylvania

BERRY testified that he was in the U. S. Army assigned to the East Division and that he was present during the interrogations between SAM BROWN and the subject.

JOHN FRANK WHITE, Major

United States Army

Major WHITE testified that he was attached to the FBI for Vietnam, Japan and that subject's husband brought to him a number of radio scripts prepared for his future broadcast by subject during the war, which scripts he turned over to Major WHITE of FBI. Through Major WHITE these scripts were introduced by the Government into evidence.

WILLIAM COLLEMAN BROWN
and subject's wife

Philadelphia, Pennsylvania

BROWN testified he was assigned to the FBI's NY Detachment and that he took actively interrogated subjects. He testified subject told him that Major BROWN chose her to be an assassin in the propaganda broadcast and that she used the name of "Angela Lee" as the assassin of the "Dear One" and that she took the job because she thought it would be good experience and she wanted to experience her father. BROWN also testified that the computer analysis of subject's broadcasts (from his Major WHITE were afterwards given to him for inclusion in subject's investigation file.

WILLIAM F. FRYBORN

Special Agent

United States of Investigation

Special Agent FRYBORN testified that in September, 1950 he was a member of the U. S. Army assigned to the Greater Intelligence Corps and that he was with BERRY BROWN during these interrogations with the subject.

JOHN F. FRYBORN

San Francisco, California

Mr. FRYBORN, an employee of the Foreign Broadcast Intelligence

UP 101-434

Service, was qualified as an expert radio engineer and testified that in 1944 he was head engineer at the FBI's listening station in Portland, Oregon and he had monitored articles of subject's broadcasts from Radio Tokyo and that records were not of these broadcasts. Through Mr. HENRIKSEN, Government witness, Agent took extensive recordings of one of the broadcasts made by the subject from Tokyo, Japan.

WALTER THOMAS RAY

Portland, Oregon

Mr. RAY was qualified as an expert radio engineer and testified that he was a radio engineer employed by FBI at Portland, Oregon during the time that the records were not of subject's broadcasts from Radio Tokyo and that he assisted in securing the records which were introduced by the Government into evidence.

WILLIAM A. STANLEY

Charleston, West Virginia

Mr. STANLEY was qualified as an expert radio engineer and testified that in 1944 he was employed by the FBI at Silverdale, Maryland, and that he monitored and recorded a program broadcast by the subject which purporting was broadcast by the Government in evidence.

WILLIAM DE LATTY

Mount Airy, Maryland

WILLIAM DE LATTY was qualified by the Government as an expert analyst of electronic radio broadcasts and testified that she had prepared a transcript of the program received by FBI at Silverdale, Maryland, and that he monitored and recorded a program broadcast by the subject which purporting was broadcast by the Government in evidence. The transcripts were introduced by the government into evidence and used by the court when introducing to the records of subject's broadcasts to enable the court to follow the words more closely.

CHARLES HARTY

Tokyo, Japan

CHARTY testified that he was employed at Radio Tokyo as a radio engineer and that he prepared to subject's broadcasts broadcast over the air from Radio Tokyo which broadcasts were propaganda in favor of the Japanese. CHARTY also testified regarding events and under events as stated in the Radio Tokyo.

NY 100-491

WILFRED W. WILSON
Los Angeles, California

WILSON testified that he resided in the same neighborhood as the subject in Los Angeles, California in the 1930's and that he listened to the "Gene Reed" program from Radio Tokyo during the war when he was a member of the U. S. Navy. WILSON testified that he recognized subject's voice when he heard on the "Gene Reed" broadcast and that he remembered certain words used by the subject which statements he reported in substance. These statements reflected during conditions of troops in the South Pacific when the war living in home in the United States.

WALTER L. WOOD
Los Angeles, Calif.

Mr. WOOD was qualified by the Government as an expert radio engineer and testified that as a former operator of the WFO the recordings of subject's speeches were made under his direction.

THE WITNESS
Los Angeles, California

Mr. WITNESS testified that as a Merchant's School in charge of the Great Eastern Radio Station he listened to subject's broadcasts on the "Gene Reed" from Radio Tokyo and testified to statements which he recalled hearing but was over the radio.

JOHN L. WYNN, JR.
Los Angeles, California

Mr. WYNN testified that as a former member of the Navy Signal Corps he listened to broadcasts of the "Gene Reed" from Radio Tokyo and testified to propaganda statements subject had made over that broadcast during the war.

MARSHALL WYNN
Los Angeles, California

WYNN testified that as a member of the U. S. Navy he listened to subject's broadcasts from Radio Tokyo during the war and testified to the propaganda statements subject had made over the radio.

NY 100-400

LEE JONES

San Diego, California

JONES testified that as a former member of the U. S. Army he heard subject broadcast from Tokyo, Japan over the "Blue Room" during the war with Japan and testified to certain propaganda statements which he recalled subject made in her radio broadcasts.

WILLIAM ALBERT THOMPSON

San Diego, California

THOMPSON testified as a former member of the U. S. Marine Corps he recalled hearing the subject broadcast from Tokyo Tokyo on the "Blue Room" and testified to certain propaganda statements which he recalled subject made over the radio.

JOHN STANLEY

San Diego

STANLEY testified that he was acquainted with subject in Tokyo, Japan, and that in view of the suspicion that she gave official employment to Tokyo Tokyo as a spy. STANLEY testified that she was not forced to work for Tokyo Tokyo.

ANTHONY TADANAKA

San Diego

TADANAKA testified that he was employed as Member of Committee on the "Blue Room" at Tokyo Tokyo from August, 1944 until February of 1945 and that he observed subject broadcast on the "Blue Room" radio program. He testified that she called herself "Virginia Lee" and also recalled propaganda statements which subject had made on the radio broadcasts. TADANAKA testified regarding such and subject was as alleged in the indictment.

MR. CLARK T. STUBBS

San Diego, California

Mr. STUBBS testified that he was acquainted with subject prior to 1942 when the subject journeyed to Japan and that subject told him she was going to Japan to study medicine as she had a master of Pediatrics in the medical profession there.

NY 100-400

WILLIAM TOLSON

Tokyo, Japan

TOLSON was qualified by the Government as a radio engineer having been employed at Radio Tokyo for a number of years prior and during the war. He was further testified that the facilities of Radio Tokyo were capable of broadcasting to the North Pacific and the Far East and that the broadcast had sufficient power to be heard through shortwave receiving sets.

JOHN HANCOCK

Tokyo, Japan

HANCOCK was qualified by the Government as a radio engineer having been employed for a number of years at Radio Tokyo. HANCOCK testified to the technical setup at Radio Tokyo.

JOHN HANCOCK

Tokyo, Japan

HANCOCK was qualified as an expert radio engineer having been employed at Radio Tokyo for a number of years. HANCOCK also testified concerning the technical aspects of Radio Tokyo.

JOHN J. HANCOCK

Special Employee

Federal Bureau of Investigation

HANCOCK testified that he worked with the U. S. Marine Corps during the war and that he returned to broadcasts from Radio Tokyo made by the subject and received various propaganda statements subject had made in the course of these broadcasts.

J. HANCOCK HANCOCK

Tokyo, Japan

HANCOCK testified that he was a staff member at Radio Tokyo during the war. He said he was acquainted with subject and that she worked under direct as the part of the Japanese to make broadcasts. Further testified as to propaganda statements made by subject on her radio program.

of 1940.

WILLIAM WITTECH

Wagon, Ohio

WITTECH testified that he was a regular staff member of the "True News" program and was well acquainted with the subject and her broadcast from Radio Tokyo during the war. WITTECH testified receiving credit with one, three, four and eight as alleged in the indictment against the subject.

WILLIAM THOMAS

Wagon, Ohio

THOMAS testified that he was employed at Radio Tokyo from November, 1940 until about 1942 as a radio operator and as such was well acquainted with the subject during the time her broadcast from Radio Tokyo. He testified as to propaganda statements subject made after the air started the review of her broadcasts.

WILLIAM TII

Wagon, Ohio

TII testified he was employed at the Radio Broadcasting Corporation of Japan during the war and had observed subject broadcast from November, 1940 to October, 1942. TII testified subject broadcast voluntarily and testified as to propaganda statements he heard subject make in the course of her radio broadcasts.

WILLIAM WALKER

Wagon, Ohio

WALKER testified that he was a member of the American International Division of Radio Tokyo during the war and was in charge of the administration of the station which employed the subject at Radio Tokyo. He testified that he had heard her broadcast and testified as to various propaganda remarks he heard subject make during the course of her broadcasts.

WILLIAM WALKER

Los Angeles, California

WALKER testified that as a foreman in the U. S. Army he interviewed subject in Tokyo, Japan after the war in which subject registered a broadcast typical of many subject made from Radio Tokyo during the war. WALKER also

at present.

Testified that he heard subject's broadcasts from Radio Tokyo and testified as to propaganda statements subject made.

WILLIAM H. TILGNER

Radio, Tokyo, _____

TILGNER testified that as a member of the U. S. Army he had been captured in Bataan and thereafter as a Philippine national was taken to Tokyo, Japan. TILGNER testified that he had observed subject broadcasting from Radio Tokyo and recalled propaganda statements subject made during the course of her broadcasts.

WILLIAM F. WILL

Engineer, U. S. Air Force, _____

WILL testified that he listened to subject's broadcasts from Radio Tokyo during the war and recalled propaganda statements made by subject during the course of her broadcasts.

WILLIAM WYCHESTER

Law, New York, Radio, _____

WYCHESTER testified that he was a member of the U. S. Army Signal Corps, Photographic Section, and that in that capacity interviewed subject in Tokyo, Japan in September of 1945. He related that subject had said during this interview something her broadcasts from Radio Tokyo during the war. He also testified that he had heard subject broadcast from Radio Tokyo during the war and testified as to propaganda statements subject had made in the course of her broadcasts.

WILLIAM WYCHESTER

WILLIAM WYCHESTER WYCHESTER

Editor, Australia, _____

WYCHESTER testified that as a member of the Australian Army he was captured by the Japanese at Singapore in 1942 and thereafter taken to Radio Tokyo where, by means of radio, he was forced to broadcast propaganda from Radio Tokyo.

He testified that subject treatment on the "Hate Day" was that he was previously advised subject of all of the horrible circumstances attending the capture and the treatment on the part of the Japanese which he had witnessed which put him in fear of his life and which induced him to compliance in Japanese treatment demands. KIMURA also testified that subject during KIMURA's transportation at Tokyo Temple brought him food, medicine and clothing. He testified that subject was anti-Japanese and pro-American and that he had placed her under his orders as an allied officer, telling her that the atomic treatment to the Japanese violated, but that she should do all in her power to nullify the force and effect of the treatment.

On newspaper-clippings KIMURA admitted broadcasting propaganda against the allied policy of unconditional surrender, stating he did not believe in unconditional surrender. KIMURA also admitted having lived very well on various hotels in Tokyo during the time of the treatment and selling articles, mainly with Japanese articles to police houses.

WILLIAM HARVEY SMITH
Major, U. S. Army
San Francisco, California.

SMITH testified that subject is past substantiating the testimony of others, however, the testimony was accurate inasmuch as a statement had been obtained from him by Special Agent of the FBI. In this statement, which SMITH admitted was true, he stated he did not touch subject and that she had been sent to the Tokyo Detention during the war.

BERNARD LAMBERT SMITH, III
Private First
San Francisco, California.

SMITH testified that he was captured as a Corporal and together with SMITH taken to Tokyo where they were forced to broadcast propaganda for the Japanese. On direct examination SMITH substantiated the testimony of SMITH and SMITH. On cross-examination, however, treatment threatened to witness the signed statements obtained by Special Agents from SMITH by the effect that he was not sure was not threatened or forced to broadcast and more treated very well by the Japanese in regard for the broadcast. Signed statements from SMITH also disclosed that subject was broadcasted propaganda voluntarily from Tokyo Temple. These signed statements, in a large measure, substantiated the testimony of SMITH and gave as to accuracy and manner on the part of the Japanese towards subject.

NY 100-40

EDWIN FRANK BRIDGES
San Diego, California

BRIDGES testified as to the treatment of the Japanese in
during American prisoners of war in Manchuria from Kaitia Tokyo. It stated
statements obtained from BRIDGES by Special Agents disclosed that he was not
acquainted with the subject and that information was brought out in cross-
examination.

EDWIN FRANK BRIDGES
San Diego, California

BRIDGES testified that he was a member of the American POW
Force captured and brought to Kaitia Tokyo by the Japanese in Manchuria
propaganda. He testified that he was through, under threat of death, he trans-
mitted from Kaitia Tokyo. However, BRIDGES was not acquainted with subject and
could give no direct testimony concerning him.

EDWARD JOE
San Diego, California

JOE testified that as a member of the U. S. Army he was
captured by the Japanese during the war and thereafter taken to Tokyo where
he was forced to broadcast for the Japanese. JOE, however, was not acquainted
with subject and could offer no direct testimony concerning him.

EDWIN BRIDGES, JR.
San Diego, California

BRIDGES testified as a member of the U. S. Army he was
captured by the Japanese during the war, taken to Tokyo where he was forced
to broadcast Japanese propaganda, but that he was not acquainted with subject
at that time.

EDWIN FRANK BRIDGES
San Diego, California

BRIDGES testified that as a member of the U. S. Army he returned
to Manchuria from Kaitia Tokyo during the war, but did not hear any of the state-
ments alleged to have been made by the subject and as testified to by the trans-
mission of records.

OF 101-100

JOHN WATSON

San Francisco, California

WATSON testified that he listened to radio broadcasts from Japan during the war, but did not hear subject make any statements of a propagandist nature.

JOE E. KATZMAN

Seattle, Washington

Mr. KATZMAN testified also listened to shortwave broadcasts from Tokyo during the war, but did not hear subject make any statements of a propagandist nature.

LEE JACOBSON

San Diego, California

JACOBSON testified that he served in the Seabees during the war and listened to radio Tokyo, but did not hear subject broadcast propaganda.

ROBERT C. WILLIAMS

San Francisco, California

WILLIAMS testified that he also listened to shortwave broadcast program from Japan during the war, but did not hear subject make statements of a propagandist nature.

WALTER WOOD

San Diego, California

WOOD testified as a member of the U. S. Army he listened to broadcasts from Tokyo, Japan but did not hear subject broadcast propaganda.

WALTER RAY WOOD

San Francisco, California

WOOD testified that as a member of the U. S. Army he heard broadcasts from Japan during the war, but did not hear subject make any statements of a propagandist nature.

NY 100-100

WITNESS EXHIBIT

See New York, N.Y.

Mrs. Ishizaki, a Ward, testified that she broadcast from Tokyo Tokyo during the war on the "Warren Show" and was forced to broadcast and claimed that subject also was forced to broadcast.

WITNESS N. N.Y.

See New York, N.Y.

NYN testified that as a member of the N. Y. Ward in New York, he made broadcasts from Tokyo, Japan during the war but did not have subject broadcast propaganda.

WITNESS WARD N.Y.

See New York, N.Y.

WITNESS testified as a member of the N. Y. Ward Tokyo in New York to make broadcasts from Tokyo Tokyo during the war, but did not have subject broadcast propaganda.

WITNESS N.Y. N.Y.

See New York, N.Y.

WITNESS testified that as a member of the N. Y. Ward he broadcast to broadcasts from Tokyo Tokyo during the war, but did not have subject broadcast propaganda.

WITNESS NYN

See New York, N.Y.

NYN testified that she accompanied subject to Japan in 1941 and was with subject until her death. She also subject broadcast from Tokyo Tokyo and testified that subject was forced to broadcast. A signed statement from NYN had been previously obtained by Special Agents of the FBI which was submitted to witness. The signed statement stated that subject broadcast voluntarily and that she was happy and satisfied with her job broadcasting from Tokyo Tokyo.

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1997年 12月
 第 1 卷 第 4 期

PHIL testified that after the car subject was interrogated and denied the right to leave of his own accord after time for lunch and denied the right to confer with an attorney.

[illegible]

Finally, instead of subjecting yourself to the stress that also was forced by treatment and self-reported feelings of stress and other outcomes of work.

1000 1000 1000 1000

Subject testified he has not known anything about any of these in the last 10 years and also testimony of Government witnesses as to propaganda was consistent with the other.

Deftone learned that need to open court proceedings alleged in Japan from persons who had some knowledge of the activities of the subject. However, the allegations were not written into the report and did not in any major part reflect allegations in the indictment that subject breached programs from Osaka Village during the period of hostilities between the United States and Japan.

In September 22, 1941, the jury returned a verdict of guilty against the subject and in their final findings required payment of all alleged court costs to the defendant's agent, which was made on or about May 1942. The subject called the Court's attention to the fact that the defendant's agent was not a party to the trial and was not a witness.

¹⁷That is, a day before October, 1890, the month that led to the final Sacco murders, said differently, at Fines, Spain, in a historical event of the kidnapping, transportation of Spain, the great tale is a dramatic account of the loss of Spain.

NY 100-450

On October 6, 1941, Federal Judge H. HALL J. ROSEN sentenced subject to ten years in the custody of the Attorney General, and to pay a fine of \$10,000.

REMARKS: IN THE COURT

Three copies of parole report
the suspension report

- - - - -

Photographs of Iva Toguri, consisting of two "mug shots"
taken at Sugamo Prison on March 7, 1946.

Captions on the reverse of both photographs state:

"Captain Denton took me to Iva Toguri's house and made her
wear the light tan coat and had her put on her rimless glasses.
I recognized her as the same girl who broadcast on the Zero
Hour program (signed) Emi Matsuda"



TOGURI,
IVA
NO.1

SUGAMO PRISON
7 MARCH 46



TOGURI,

IVA

NO.1

SUGAMO PRISON

7 M. 1968

Photographs of Iva Toguri, consisting of five images of her wearing a coat and eye glasses. Captions on the reverse of all images state:

"March 17, 1948

Name: Iva Toguri/

Date: December 5, 1944

Place: Radio Tokyo

(Signed) Martha Suzuki."











